

AS in 1780
4/4
The *ACTS*

Contained in this Book were
ordered to be left out of the
last Impression of Tempo-
rary Laws and printed by
themselves, viz. *Massachusetts*

IMPOST ACT, from PAGE 1 to 8

Act for granting an Excise upon Spirits, &c. 9 to 22

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BOSTON; NEW-ENGLAND.

Printed by GREEN and RUSSELL, by Order of his Excel-
lency the GOVERNOR, COUNCIL and House of
REPRESENTATIVES. MDCCLXIII.



Anno Regni GEORGII Tertii, Regis, &c. Tertio.

1763.

I M P O S T.

I



A.S. m 84/4.

AN ACT

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England* : Begun and Held at *Boston*, on Wednesday the Twenty-sixth Day of *May* 1762.

An Act for granting unto his Majesty several Rates and Duties of Impost and Tunnage of Shipping.

W E His Majesty's most dutiful and loyal Subjects the Representatives of the Province of the *Massachusetts-Bay*, in *New-England*, being desirous of lessening the publick Debts, Have cheerfully and unanimously given and granted ; and do give and grant to His most Excellent Majesty, for the Service of this Province, as they shall hereafter apply it, the several Duties of Impost upon all Liquors, Wares, Goods and Merchandize that shall be imported into this Province, and Tunnage of Shipping hereafter mentioned ; and pray that it may be enacted ;

Preamble.

And be it accordingly enacted by the Governor, Council and House of Representatives, That from and after the Twenty-fifth Day of March, One Thousand seven Hundred and Sixty-three, to the Twenty-fifth Day of March, One Thousand seven Hundred and Sixty-four, there shall be paid by the Importers of all Wines, Rum, and other Liquors, Goods, Wares and Merchandize, that shall be imported into this Province, by any of the Inhabitants thereof, (except what is by this Act hereafter exempted) the several Duties of Impost following, viz.

B

For

7/69 Jan. 20th 1763

Rates of Im-
post.

For every Pipe of Wine, of every Sort, *Ten Shillings.*

For every Hoghead of Rum, containing One hundred Gallons, *Eight Shillings.*

For every Hoghead of Sugar, *Four Pence.*

For every Hoghead of Molasses, *Four Pence.*

For every Hoghead of Tobacco, *Ten Shillings.*

For every Pound of Tea that shall be imported from any of His Majesty's Plantations in *America*, *Four Pence.*

And so proportionably for a greater or less Quantity.

And for all other Commodities, Goods or Merchandize not mentioned, or not excepted, *Four Pence* for every *Twenty Shillings* Value: Excepting such Goods as are the Product or Manufacture of *Great-Britain.*

Double Impost
to be paid for
Goods impor-
ted by the In-
habitants of o-
ther Colonies,
&c.

And for any of the above-mentioned Liquors, Goods, Wares and Merchandize (excepting Tea, which shall only pay *Four Pence*) that shall be imported into this Province, by any of the Inhabitants of the other Provinces or Colonies on this Continent, or of the *English West-India* Islands, in any Ship or Vessel to them belonging, on the proper Account of any of the said Inhabitants of the said Provinces, Colonies, or Islands, there shall be paid by the Importers double the Impost laid by this Act.

Proviso.

Provided always, That every Thing which is the Growth or Produce of the Provinces or Colonies aforesaid, (Tobacco and Bar-Iron excepted) and all Provisions, Salt, Cotton-Wool, Pig-Iron, Mahogany, Brazillero, Black-Walnut, Lignum-Vitæ, Red Cedar, Log-Wood, Hemp, raw Skins and Hides, and also all Prize Goods brought into and condemned in this Province, are, and shall be exempted from every the Rates and Duties aforesaid.

Draw-back of
the whole Im-
post to the Ex-
porter in case.

And be it further enacted, That all Goods, Wares and Merchandize, (the Property of any of the Inhabitants of any of the neighbouring Provinces or Colonies on this Continent,) that shall be imported into this Province, and shall have paid, or on which there shall have been secured to be paid, the Duty of Impost by this Act provided to be paid; and afterwards shall be exported and landed in any of the said Provinces or Colonies on this Continent; then and in such Case, the Exporter producing a Certificate from some Officer of His Majesty's Customs, that the same has been landed in some of the Provinces, or Colonies aforesaid, shall be allowed a Draw-back of the whole Duty of Impost, by him paid, or secured to be paid, as by this Act provided.

Masters of
Vessels to
make Report.

And be it further enacted, That the Master of every Ship or Vessel coming into this Province from any other Place, shall within Twenty-four Hours after his Arrival in any Port or Harbour, and before Bulk is broken, make Report and deliver a Manifest, in Writing under his Hand, to the Commissioner aforesaid, of the Contents or Loading of such Ship or Vessel, therein particularly expressing the Species, Kind and Quantities of all Wines, Liquors, Goods, Wares and Merchandize imported in any such Ship or Vessel, with the Marks and Numbers thereof, and to whom the same are consigned, and make Oath before the Commissioner, that the same Manifest contains a just and true Account of all the Lading taken on board and imported in such Ship or Vessel, so far as he knows or believes; and that if he knows of any more Wines, Liquors, Goods, Wares, or Merchandize

chandize, laden on board such Ship or Vessel, and imported therein, he will forthwith make Report thereof to the Commissioner aforesaid, and cause the same to be added to his Manifest.

And be it further enacted, That if the Master of any Ship or Vessel shall break Bulk, or suffer any of the Wines, Liquors, Goods, Wares and Merchandize, imported in such Ship or Vessel to be unladen, before Report and Entry thereof be made, as aforesaid, he shall forfeit the Sum of *One Hundred Pounds.* To forfeit in case of breaking Bulk.

And be it further enacted, That all Merchants and other Persons, being Owners of any Wines, Liquors, Goods, Wares or Merchandize imported into this Province, (for which any of the Rates or Duties aforesaid are payable) or having the same consigned to them, shall make an Entry thereof with the Commissioner aforesaid, and produce an Invoice of all such Goods as pay *ad Valorem*, and make Oath before him in the Form following, *viz.* Invoice to be produc'd.

YOU A. B. do Swear, That the Entry of Goods and Merchandize by Oath. you now makes exhibits the Sterling Value of said Goods, and that Bona-Fide according to your best Skill and Judgment, it is not less than that Value. So Help you GOD.

Which Oath the Commissioner or Receiver appointed in Consequence of this Act, is hereby impowered and directed to administer.

AND the Owners aforesaid shall pay the said Commissioner, or give Security to pay, the Duty of Impost, by this Act required, before such Wines, Liquors, Goods, Wares, or Merchandize be landed or taken out of the Vessel in which the same shall be imported: And no Wines, Liquors, Goods, Wares or Merchandize, that by this Act are liable to pay Impost or Duty, shall be landed on any Wharf, or in any Warehouse or other Place, but in the Day-time only, and that after Sun-rise and before Sun-set, unless in the Presence or with the Consent of the Commissioner or Receiver; on Pain of forfeiting all such Wines, Liquors, Goods, Wares and Merchandize, and the Lighter, Boat or Vessel out of which the same shall be landed, or put into any Warehouse or other Place. And if any Person or Persons shall not have and produce an Invoice of the Quantities of Rum or other Liquors to him or them consign'd, then the Cask wherein the same are, shall be gauged at the Charge of the Importer, that the Contents thereof may be known. Duties to be paid before Landing.

Provided nevertheless, That the said Commissioner shall be and hereby is allowed to give Credit to such Person or Persons, whose Duty of Impost in one Vessel shall not exceed *Six Pounds*; which Credit shall be so limited as that he shall settle and ballance his Accompts with every Person on or before the *Twenty-sixth Day of March*, One thousand seven hundred and sixty-four; that the said Accounts may be produced to this Court as soon as may be after; and for all Entries where the Impost to be paid doth not exceed *three Shillings*, the said Commissioner shall not demand any thing, and not more than *six Pence* for any other single Entry to what Value soever. Commissioner allowed to give Credit.

And be it further enacted, That the Importer of all Wines, Liquors, Goods, Wares and Merchandize, from and after the *Twenty-fifth Day of March*, One thousand seven hundred and sixty-three, and until the *Twenty-sixth*

Importer by
Land Carriage
or in small
Vessels to
make Report.

sixth Day of *March*, One thousand seven hundred and sixty-four by Land-
Carriage or in small Vessels and Boats, shall make Report, and deliver a
Manifest thereof to the Commissioner aforesaid, or his Deputy, therein par-
ticularly expressing the Species, Kind and Quantity of all such Wines, Li-
quors, Goods, Wares and Merchandize so imported, with the Marks and
Numbers thereof, when, how and by whom brought, and shall make Oath
before the said Commissioner, or his Deputy, to the Truth of such Report
and Manifest; and shall also pay, or secure to be paid, the several Duties
aforesaid, by this Act charged, and chargeable, upon such Wines, Liquors
Goods, Wares and Merchandize before the same are landed, housed, or put
into any Store or Place whatsoever.

Allowance
for Leakage.

And be it further enacted, That every Merchant or other Person import-
ing any Wines into this Province, shall be allowed *Twelve per Cent* for Lea-
kage, provided such Wines shall not have been filled up on board; and that
every Hogshead, Butt or Pipe of Wine that hath two thirds thereof leaked
out, shall be accounted for Outs; and the Merchant or Importer shall pay
no Duty for the same. And no Master of any Ship or Vessel shall suffer
any Wines to be filled up on board, without giving a Certificate of the
Quantity so filled up under his Hand, before the landing thereof, to the
Commissioner or Receiver of Impost for such Port, on Pain of forfeiting the
Sum of *One Hundred Pounds*. And if it may be made to appear, that any
Wine imported in any Ship or Vessel, be decayed at the Time of unloading
thereof, or in Twenty Days afterwards, Oath being made before the Com-
missioner or Receiver, that the same hath not been landed above that Time,
the Duties and Impost paid for such Wines shall be repayed unto the Im-
porter thereof.

Master allow-
ed to detain
Goods, not
entered or the
Duty not paid

And be it further enacted, That the Master of every Ship or Vessel im-
porting any Liquors, Wines, Goods, Wares or Merchandize shall be liable
to pay the Impost for such and so much thereof contained in his Manifest,
as shall not be duly entered, and the Duty paid for the same, by the Person
or Persons to whom such Wines, Liquors, Goods, Wares or Merchandize
are or shall be consigned. And it shall and may be lawful to and for the
Master of every Ship or other Vessel, to secure and detain in his Hands, at
the Owner's Risque, all such Wines, Liquors, Goods, Wares and Merchan-
dize, imported in any Ship or Vessel, until he receives a Certificate from
the Commissioner or Receiver of Impost, that the Duty for the same is paid,
and until he be repaid his necessary Charges in securing the same; or such
Master may deliver such Wines, Liquors, Goods, Wares and Merchandize,
as are not entered, unto the Commissioner or Receiver of Impost in such
Port, or his Order; who is hereby impowered and directed to receive and
keep the same at the Owner's Risque until the Impost thereof, with the
Charges be paid, or secured to be paid, and then to deliver such Wines,
Liquors, Goods, Wares or Merchandize, as such Master shall direct.

Master liable
to be sued.

And be it further enacted, That the Commissioner or Receiver of the
Impost, in each Port, shall be and hereby is impowered to sue the Master of
any Ship or Vessel for the Impost or Duty of so much of the Lading of any
Wines, Liquors, Goods, Wares or Merchandize imported therein, according
to the Manifest to be by him given upon Oath, as aforesaid, as shall remain
not entered and the Duty of Impost therefor not paid, or secured to be paid.

And

And where any Goods, Wares or Merchandize are such that the Value thereof is not known, whereby the Impost to be recovered of the Master for the same cannot be ascertained, the Owner or Person to whom such Goods, Wares or Merchandize are or shall be consigned, shall be summoned to appear as an Evidence at the Court where such Suit for the Impost and the Duty thereof shall be brought, and be there required to make Oath to the Value of such Goods, Wares or merchandize.

And be it further enacted, That the Ship or Vessel, with her Tackle, Apparel and Furniture, the Master of which shall make Default in any Thing by this Act required to be performed by him, shall be liable to answer and make good the Sum or Sums forfeited by such Master according to this Act, for any such Default, as also to make good the Impost or Duty for all Wines, Liquors, Goods, Wares and Merchandize not entered as aforesaid; or for which the Duty of Impost have not been paid; and upon Judgment recovered against such Master, the said Ship or Vessel, with so much of the Tackle or Appurtenances thereof, as shall be sufficient to satisfy said Judgment, may be taken by Execution for the same. And the Commissioner or Receiver of the Impost is hereby empowered to make Seizure of the said Ship or Vessel, and detain the same under Seizure, until Judgment be given in any Suit to be commenced and prosecuted for any of the said Forfeitures, or for the Duty aforesaid; to the Intent that if Judgment be rendered for the Prosecutor or Informer, such Ship or Vessel and Appurtenances may be exposed to Sale for Satisfaction thereof, as is before provided, unless the Owners or some on their Behalf, for the releasing of such Ship or Vessel from under Seizure or Restraint, shall give sufficient Security to the Commissioner or Receiver of Impost that seized the same, to respond or satisfy the Sum or Value of the Forfeitures and Duties, with the Charges that shall be recovered against the Master thereof, upon such Suit to be brought for the same, as aforesaid; and the Master occasioning such Loss or Damage unto the Owners through his Default or Neglect, shall be liable unto their Action for the same.

Ships, &c.
liable to be
taken in Ex-
ecution.

And be it further enacted, That the Naval-Officer within any of the Ports of this Province, shall not clear or give Passes to any Master of any Ship or Vessel outward-bound, until he shall be certified by the Commissioner or Receiver of Impost, that the Duty and Impost for the Goods last imported in such Ship or Vessel are paid, or secured to be paid.

Naval-Officer
not to clear
Vessels till Im-
post be paid.

AND the Commissioner or Receiver of Impost is hereby empowered to allow Bills of Store to the Master of any Ship or Vessel importing any Wines or Liquors for such private Adventures as shall belong to the Master or Seamen of such Ship or Vessel, at the Discretion of the Commissioner or Receiver, not exceeding *Three per Cent.* of the Lading, and the Duties payable by this Act for such Wines or Liquors in such Bills of Stores mentioned and expressed, shall be abated.

Bills of Store
to be allowed.

AND for the more effectual preventing any Wines, Rum or other distilled Spirits being brought into the Province for the neighbouring Governments by Land, or in small Boats or Vessels, or any other Way; and also to prevent Wines, Rum or other distilled Spirits being first sent out of this Province, and afterwards brought into the Government again, to defraud the Government of the Duties of Impost;

C

Be

Commissioner to appoint Officers in Places where Wines, Rum, &c. may be bro't out of other Governments.

Be it enacted, That the Commissioner and Receiver of the aforesaid Duties of Impost shall, and he is hereby impowered and enjoined, to appoint one or more suitable Person or Persons as his Deputy or Deputies in all such Places of this Province, where it is likely that Wine, Rum, or other distilled Spirits will be brought out of other Governments into this : Which Officers shall have Power to seize the same, unless the Owner shall make it appear that the Duty of Impost has been paid therefor since their being brought into or re-landed in this Government. And such Officer or Officers are also impowered to search in all suspected Places for such Wines, Rum, or other distilled Spirits, or Tea, brought or re-landed in this Government, where the Duty is not paid as aforesaid, and to seize or secure the same for the Ends and Uses as in this Act is hereafter provided.

Commissioner or Deputy impowered to administer the Oaths, &c.

And be it further enacted, That the Commissioner or his Deputies, shall have Power to administer the several Oaths aforesaid, and search in all suspected Places for all such Wines, Rum, Liquors, Tea, Goods, Wares and Merchandize as are brought into this Province, and landed contrary to the true Intent and Meaning of this Act, and to seize the same for the Uses herein after mentioned.

The Commissioner or Deputy upon Information of any Liquors being brought into this Province and the Duty not paid to apply to a Justice for a Warrant to search, &c.

And be it further enacted, That if the said Commissioner or his Deputy shall have Information of any Wines, Rum or other distilled Spirits, or Tea, being brought into and landed in any Place in this Province, for which the Duties aforesaid shall not have been paid after their being brought into or re-landed in this Government, he may apply to any Justice of the Peace within the County for a Warrant to search such Place ; and said Justice shall grant such Warrant (directed to some proper Officer) upon said Commissioner or his Deputy's making Oath that he hath had information as aforesaid ; and having such Warrant, and being attended by such Officer, the said Commissioner or his Deputy, may in the Day-time between Sun-rise and Sun-setting, demand Admittance of the Person owning or occupying such Place, and upon Refusal shall have Right to break open such Place, and finding such Liquors or Tea, may seize and take the same into his own Custody : And the Commissioner aforesaid or his Deputy shall be and hereby is impowered to command Assistance, and impress Carriages necessary to secure the Liquors or Tea seized as aforesaid ; and any Person refusing Assistance or preventing any of the Officers aforesaid from executing their Office, shall forfeit *Five Pounds* to the said Commissioner ; and he or his Deputy shall make reasonable Satisfaction for the Assistance afforded, and Carriages made use of to secure the Liquors or Tea seized as aforesaid ; and the Commissioner or his Deputy shall then file an Information of such Seizure in the Inferiour Court of Common Pleas for the County wherein such Seizure shall be made ; which Court shall summon the Owner of such Liquors or Tea, or the Occupier of such Shop, House, or Warehouse, or Distill-House, where the same were seized, to appear, and shew Cause (if any he has) why such Liquors or Tea so seized shall not be adjudged forfeited ; and if such Owner or Occupier shall not shew Cause as aforesaid, or shall make Default, the said Liquors or Tea shall be adjudged forfeited ; and the said Court shall order them to be sold at publick Vendue, and the nett Produce of such Sale shall be paid one Half to the Province-Treasurer for the Use of this Province, and the other Half to the said Commissioner.

And

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And be it further enacted, That there shall be paid by the Master of every Ship or other Vessel coming into any Port or Ports of this Province to trade or traffick, whereof all the Owners are not belonging to this Province (excepting such Vessels as belong to *Great-Britain*, the Provinces or Colonies of *Pennsylvania*, *West* and *East-Jersey*, *Connecticut*, *New-York*, *New-Hampshire*, *Rhode-Island* and *Nova-Scotia*) every Voyage such Ship or Vessel doth make, one Pound of good Pistol-Powder, for every Ton such Ship or Vessel is in Burthen; (saving for that Part which is owned in *Great-Britain*, this Province or any of the Governments aforesaid, which are hereby exempted) to be paid unto the Commissioner or Receiver of the Duties of Impost, and to be employed for the Uses and Ends aforesaid.

Tunnage of Shipping.

And the said Commissioner is hereby impowered to appoint a meet and suitable Person to repair unto and on board any Ship or Vessel to take the exact Measure and Tunnage thereof, in case he shall suspect the Register of such Ship or Vessel doth not express and set forth the full Burthen of the same, the Charge thereof to be paid by the Owner or Master of such Ship or Vessel before she shall be cleared, in case she shall appear to be of greater Burthen; otherwise, to be paid by the Commissioner out of the Money received by him for Impost, and shall be allowed him accordingly by the Treasurer in his Accompts. And the Naval-Officer shall not clear any Vessel, until he be certified also by the Commissioner, that the Duty of Tunnage for the same is paid; or that it is such a Vessel for which none is payable according to this Act.

Vessels to be measured if suspected.

And be it further enacted, That when and so often as any Wine, Rum or Tea, imported into this Province, the aforesaid Duty of Impost upon which shall have been paid agreeable to this Act, shall be re-shipped and exported from this Government to any other Part of the World, that then, and in every such Case, the Exporter of such Wine, or Rum, or Tea, shall make Oath, at the Time of shipping, before the Receiver of Impost or his Deputy, That the Whole of the Wine, or Rum, or Tea, so shipped, has *Bona Fide* had the Duty of Impost aforesaid paid on the same; and shall afterwards produce a Certificate from some Officer of the Customs, that the same has been landed out of this Government: Or otherwise, in case such Rum, or Wines, or Tea, shall be exported to any Place where there is no Officer of the Customs, or to any Foreign Port, the Master of the Vessel in which the same shall be exported, shall make Oath, That the same has been landed out of the Government; and the Exporter shall upon producing such Certificate, or upon such Oath of the Master, make Oath, That he verily believes no Part of said Wines, Rum, or Tea, has been relanded in this Province, such Exporter shall be allowed a Draw-back from the Receiver of Impost as follows, viz.

Draw-back for Wine, Rum and Tea allowed in case.

For every Pipe of Wine, *Nine Shillings*.

For every Hoghead of Rum, *Seven Shillings and Six Pence*.

And, For every Pound of Tea, *Four Pence*.

Provided always, That if after the shipping of such Wines, or Rum, or Tea to be exported, as aforesaid, and giving Security as aforesaid, in order to obtain the Draw-back aforesaid, the Wines, or Rum, or Tea, so shipped

shipped to be exported, or any Part thereof, shall be re-landed in this Province, or brought into the same from any other Province or Colony, that then all such Wine, Rum and Tea, so re-landed and brought again into this Province, shall be forfeited, and may be seized by the Commissioner aforesaid or his Deputy.

Appoint-
ments and
Duty of the
Commissioner

And be it further enacted, That there be one fit Person and no more, nominated and appointed by this Court as a Commissioner and Receiver of the aforesaid Duties of Impost and Tunnage of Shipping; and for the Inspection, Care and Management of the said Office, and whatsoever relates thereto, to receive Commission from the Governor or Commander in Chief for the Time being, with Authority to substitute and appoint a Deputy-Receiver in each Port, or other Places besides that in which he resides, and to grant Warrants to such Deputy-Receiver for the said Place; and to collect and receive the Impost and Tunnage of Shipping as aforesaid, that shall become due within such Port; and to render the Account thereof, and to pay in the same to the said Commissioner and Receiver; which said Commissioner and Receiver shall keep fair Books of all Entries and Duties arising by virtue of this Act, also a particular Account of every Vessel, so that the Duties of Impost and Tunnage arising on said Vessel may appear; and the same to lie open at all seasonable Times to the View and Perusal of the Treasurer or Receiver General of this Province, (or any other Person or Persons whom this Court shall appoint) with whom he shall Account for all Collections and Payments; and pay all such Monies as shall be in his Hands, as the Treasurer or Receiver-General shall demand it. And the said Commissioner, or Receiver, and his Deputy or Deputies, before their entering upon the Execution of their said Office, shall be sworn to deal truly and faithfully therein; and shall attend in said Office from Ten of the Clock in the Forenoon, until One in the Afternoon. And the said Commissioner or Receiver for his Labour, Care and Expence in said Office, shall have and receive out of the Province-Treasury at the Rate of *Sixty Pounds* per Annum: And his Deputy or Deputies shall receive for their Service such Sums as the Commissioner of Impost, together with the Province-Treasurer shall judge necessary for whatever Sums they shall receive and pay. And the Treasurer is hereby ordered in passing and receiving the said Commissioner's Accounts, accordingly to allow the Payment of such Salary or Salaries as aforesaid, to himself and his Deputies.

Charges of
Prosecution
how to be
paid in case.

And be it further enacted, That all Penalties, Fines and Forfeitures accruing or arising in Consequence of any Breach of this Act, shall be one Half to his Majesty for the Use of this Province, and the other Half to him or them that shall seize, inform and sue for the same, by Action, Bill, Plaint or Information in any of his Majesty's Courts of Record, wherein no Essoign, Protection or Wager of Law shall be allowed; the whole Charge of the Prosecution to be taken out of the Half belonging to the Informer.

Disposition of
Forfeitures.

And be it further enacted, That from and after the Commencement of this Act, in all Causes wherein any Claimer shall appear, and shall not make good the Claim, the Charges of Prosecution shall be borne and paid by the said Claimer, and not by the Informer.

An Act,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England* : Begun and Held at *Boston*, on Wednesday the Twenty-seventh Day of *May* 1761. And continued by sundry Prorogations unto Wednesday the thirteenth Day of *January* following, and then met.

An Act for granting unto his Majesty an Excise upon Spirits distilled, and Wine, and upon Limes, Lemmons and Oranges.

WE his Majesty's most loyal and dutiful Subjects, the Representatives Preamble.
of the Province of the *Massachusetts-Bay* in General Court assembled, being desirous of lessening the present Debt of the Province, have cheerfully and unanimously granted, and do hereby give and grant unto his most excellent Majesty for the End and Use above-mentioned, and for no other Use, an Excise upon all Rum and other Spirits distilled, and upon all Wines whatsoever, and upon Lemmons, Limes and Oranges, to be raised, levied and collected, and paid in Manner and Form following :

And be it accordingly enacted by the Governor, Council and House of Representatives, That from and after the twenty-fifth Day of *March* Time of this
Act's Continuance.
One Thousand seven Hundred and sixty-two, and until the twenty-sixth Day of *March* One Thousand seven Hundred and sixty-five, every Person already licenced, or that shall be hereafter licenced, to retail Rum, or other Spirits distilled, or Wine, shall pay the Duties following :

For every Gallon of Rum and Spirits distilled, *eight Pence*.

For every Gallon of Wine of every Sort, *twelve Pence*.

For every Hundred of Lemmons or Oranges used and consumed in making Punch, or otherwise for Sale by Taverners and Innholders, only, *eight Shillings*.

For every Hundred of Limes used and consumed in making Punch, or otherwise for Sale by Taverners and Innholders only, *three Shillings* ; and so proportionably for any Quantity or Number.

And be it further enacted, That every Retailer of Rum, Wine or Spirits distilled, Taverner, Innholder and common Victualler, shall on the twenty-sixth Day of *March* One Thousand seven Hundred and sixty-two, take a just and true Account in Writing of all Wine, Rum and Spirits distilled, then by him or her, or in his or her Possession. And that every Person who shall be hereafter licenced to be a Taverner, Innholder,

D

common

Accounts to
be taken.

common Victualler and Retailer of Wine, Rum or Spirits distilled, shall take a like Account of all Wine, Rum and other Spirits distilled, by him or her, or in his or her Possession, at the Time of such Licence granted. And every Taverner, Inn-holder, common Victualler and Retailer of Rum or other Spirits distilled or Wine, shall make a fair Entry in a Book by them respectively to be kept for that Purpose, of all such Rum or other Spirits distilled or Wine, as he or she or any Person or Persons for him or her, shall buy, distill, take in or receive after such first Account taken, and when and of whom the same was bought and taken in; and at the Expiration of every half Year, shall take a just and true Account how much thereof then remains by them, and shall in Writing under their Hands render to him or them that shall collect the Duties aforesaid, the whole of those several Accounts, and shall also make Oath in the Form following, before such Collector or Collectors, who are hereby empowered to administer the same :

Form of the
Oath.

YOU A. B. do Swear, that the Account by you now rendered, is to the best of your Knowledge, a just and true Account of all Wines, Rum and distilled Spirits you had by you or in your Possession, on the twenty-sixth Day of March One Thousand seven Hundred and sixty-two, and also of all the Wine, Rum and other distilled Spirits, bought, distilled, taken in or received by you, or by any Person or Persons for or under you, or by or with your Knowledge, Allowance, Consent or Connivance, and that there still remains thereof in your Possession unsold, so much as is in this Account said to remain by you unsold; and that you do not know or believe, that there has been by you or by any other Person or Persons for or under you, or by your or their Order, Allowance, Consent or Connivance, either directly or indirectly, sold, used or consumed, any Wine, or any Liquor, for or as Wine, any Rum or distilled Spirits or Liquor, for or as Rum or distilled Spirits, or that there has been any Limes, Lemmons or Oranges, by you or by any Person or Persons for or under you, or by your Order, Consent, Allowance or Connivance, used in making Punch or otherwise for Sale, since the said twenty-sixth Day of March, One Thousand seven Hundred and sixty-two, besides what is contained in the Account by you now rendered.

So help you GOD.

Penalty for
Collectors re-
ceiving Ac-
counts with-
out Oath.

Oath to be
varied.

Duties to the
Collector.

Ten per Cent
allowed for
Leakage.

And every Collector of the Excise who shall receive any Account from any Person in Consequence of this Act, without their making Oath to the same as aforesaid, shall forfeit and pay for the Use of the Government, the Sum of *Twenty Pounds*. And for every Person that was not licenced on the same twenty-fifth Day of *March*, the Form of the Oath shall be so varied as that instead of expressing the Day aforesaid, the Time of taking and rendering their last Accounts, shall be inserted and used. And for every Person rendering an Account after the first, the Oath shall be so varied, as that instead of expressing the Day aforesaid, the Time of taking and rendering their last Accounts, shall be inserted and used.

And every such Taverner, Inholder, Retailer and common Victualler, shall pay the Duties aforesaid to him or them that shall collect the same, on the whole of the several Articles mentioned in such Account rendered, saving only for such Part thereof as remains in their Hands unsold. *Provided nevertheless*, That for Leakage &c. *ten per Cent.* shall be allowed them on all Liquors in such Account mentioned, besides what remains in their Hands unsold.

And

Excise.

I I

And be it further enacted, That every Person hereafter licenced to be a Taverner, Innholder, common Victualler or Retailer of any Wine, Rum or Spirits distilled; shall within thirty Days after such Licence granted, and before he or she shall sell by Virtue of the same, not only become bound to keep good Rule and Order, as by Law is already required, but shall also become bound with sufficient Sureties by way of Recognizance to his Majesty for the Use of this Government, in a sufficient Sum to be ordered by the Court that grants the Licence, which Sum shall not exceed *Three Hundred Pounds*, nor be less than *Fifty Pounds*, Conditioned that they shall keep and render the Accounts aforesaid, and pay the Duties aforesaid, as in and by this Act is required.

Taverners, &c
to give Bond.

And be it further enacted, That every such Taverner, Innholder, common Victualler and Retailer, who shall neglect or refuse to take, keep and render such Accounts as by this Act are required, or that shall neglect or refuse to take the Oath aforesaid, shall forfeit and pay to him or them that shall collect the Duties aforesaid, double the Sum which the Court of General Sessions of the Peace in that County shall judge that the Duties of Excise upon the Liquors, Limes, Lemmons, and Oranges by such Taverner, Innholder, common Victualler or Retailer, or by any for, by or under him or them, sold, used or consumed, would have amounted to; and no Persons shall be licenced by the Justices of the General Sessions of the Peace, who have not accounted with the Collector, and paid him the Excise aforesaid due from such Person at the Time of his or her taking or renewing his Licence.

Forfeiture for
neglect in
keeping and
rendering Ac-
counts.

And whereas notwithstanding the Laws made against selling strong Drink without Licence, many Persons not regarding the Penalties of said Acts, do receive and entertain Persons in their Houses, and sell great Quantities of Spirits and other strong Drink without Licence, by Reason whereof great Debaucheries are committed and kept secret, and such as take Licences and pay the Duties of Excise therefor, are greatly wronged, and the Government thereby defrauded.

Preamble.

Be it therefore enacted, That if any Distiller, Importer, or any other Person whatsoever, after the said twenty-fifth Day of March, shall presume directly or indirectly to sell any Rum or other dilled Spirits or Wine in less Quantity than twenty-five Gallons, or any Beer, Ale, Cyder, Perry, or other strong Drink, in any Quantity less than ten Gallons, without Licence first had and obtained from the Court of General Sessions of the Peace in that County, and Recognizing in Manner as aforesaid, shall forfeit and pay for each Offence the Sum of *Four Pounds*, and Costs of Prosecution, two Thirds for the Use of the Government, and the other Third for the Prosecutor; and all such as shall neglect or refuse to pay the Fine aforesaid, shall stand closely committed in the common Goal of the County, and not have the Liberty of the Goaler's House or Yard, until said Sum of *Four Pounds* is paid, with Costs; and any Goaler giving Liberty contrary to this Act, shall forfeit and pay the said Sum of *Four Pounds*, to be disposed of in Manner aforesaid, and Costs of Prosecution.

Forfeiture for
selling with-
out Licence.

And whereas some Doubts have arisen whether the lending or delivering Rum, Brandy or other Spirits, distilled or Wine, to others, for their Use upon Agreement, or Confidence of having the like Liquors returned again, by a Sale thereof:

Preamble.

Wherefore

Wherefore for removing all such Doubts ;

Liquors lent
or delivered
on certain
Consideration
to be deemed
a Sale.

Be it enacted, That all Rum, Brandy and other spirituous Liquors and Wine, lent or delivered to others for their Use upon such like Consideration, is and shall be deemed and taken to be an absolute Sale thereof: And that every Person not licenced as aforesaid, that shall order, allow, permit or connive at the selling any Rum, Brandy or other distilled Spirits or Wine, contrary to the true Intent and Meaning of this Act, by his or their Child or Children, Servant or Servants, or any other Person or Persons, in or belonging to his or her House or Family, shall be deemed and taken to be the Seller of such Liquors, and be subject to the aforesaid Pains and Penalties provided against such Offenders, and shall be recovered in like Manner.

Provido.

Provided, That if it shall be made to appear that the Liquors lent or delivered as aforesaid, shall have had the Duties paid upon them, or were purchased of any Person or Persons having Licence or Permit, the Person lending or delivering the same as aforesaid, shall not be subject to the aforesaid Pains and Penalties.

Preamble.

And whereas divers other Persons than those licenced to sell Rum and other distilled Spirits by Retail, have heretofore supplied Persons employed by them in the Fishery, building Vessels, and in other Business, without paying any Excise therefor, and thereby have defrauded the Government of the Duties of Excise, and have not been subject to the Penalty provided by Law against selling Drink without Licence, and the same Practice will probably be continued, unless effectual Care be taken to prevent the same :

Persons not
licenced sup-
plying those
employed by
them in the
Fishery, &c.
with spiritous
Liquors, to be
deem'd sellers

Be it therefore further enacted, That all Persons not licenced as aforesaid, who hereafter shall by themselves, or by any other Person or Persons under them, or by their Orders, Allowance or Connivance, supply any Person or Persons employed by them in the Fishery, building of Vessels, or any other Business or Employ, with Rum or any other distilled Spirits, or Wine, shall be deemed and taken to be Sellers of such Liquors, and be subject to the aforesaid Pains and Penalties, provided against Persons selling any of the Liquors aforesaid without Licence; and shall be recovered, in like Manner, unless they make it appear that such Wine, Rum or other distilled Spirits was purchased of a Taverner, Innholder or Retailer, or other Person or Persons that had Licence or Permit to sell the same.

One Witness
sufficient for
Conviction.

And be it further enacted, That when any Person shall be charged with selling strong Drink without Licence, one Witness produced to the Satisfaction of the Court or Justice before whom the Trial is, shall be deemed sufficient for Conviction: And when and so often as it shall be observed that there is a Resort of Persons to Houses suspected of selling strong Drink without Licence, any Justice of the Peace in the same County shall have full Power to convene such Persons before him, to examine them upon Oath concerning the Persons suspected of selling or retailing strong Drink in such Houses, Outhouses or other Dependencies thereof; and if upon examining such Witnesses, and hearing the Defence of such suspected Person, it shall appear to the Justice there is sufficient Proof of the Violation of this Act by selling strong Drink without Licence, Judgment may thereupon

Excise.

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thereupon be made up against such Person, and he shall forfeit in like Manner as if Process had been commenced by Action or Information before the said Justice, or otherwise the said Justice may bind over the Person suspected and the Witnesses to the next Court of General Sessions of the Peace for the County where such Person shall dwell.

And be it further enacted, That when and so often as any Person shall be charged with selling strong Drink without Licence to any Negro, Indian or Molatto Slave, or to any Child or other Person under the Age of Discretion, and other Circumstances concurring, it shall appear to be highly probable in the Judgment of the Court or Justice before whom the Trial shall be, that the Person complained of is guilty, then and in every such Case, unless the Defendant shall acquit him or herself upon Oath (to be administered to him or her by the Court or Justice that shall try the Cause) such Defendant shall forfeit and pay *four Pounds*, one Third to the Informer, and the other two Thirds to the Collector of Excise for the Use of the Government, and Costs of Prosecution: But if the Defendant shall acquit him or herself upon Oath as aforesaid, the Court or Justice may and shall enter up Judgment for the Defendant to recover Costs.

Penalty for
selling strong
Drink to Ne-
groes, Molat-
toes, &c.

And be it further enacted, That if any Person or Persons shall be summoned to appear before a Justice of the Peace or the Grand Jury to give Evidence relating to any Person's selling strong Drink without Licence, or to appear before the Court of General Sessions of the Peace, or other Court proper to try the same, to give Evidence on the Trial of any Person informed against, presented or indicted for selling strong Drink without Licence, and shall neglect or refuse to appear, or to give Evidence in that Behalf, every Person so offending shall forfeit the Sum of *twenty Pounds* and Cost of Prosecution, the one Half of the Penalty aforesaid to be to his Majesty for the Use of the Province, and the other Half to and for the Use of him or them who shall sue for the same as aforesaid. And when it shall so happen that Witnesses are bound to Sea before the Sitting of the Court where any Person or Persons informed against for selling strong Drink without Licence, is or are to be prosecuted for the same; in every such Case the Deposition of any Witness or Witnesses in Writing taken before any two of his Majesty's Justices of the Peace *Quorum Unus*, and sealed up and delivered into Court (the adverse Party having first had Notice in Writing sent to him or her of the Time and Place of Caption) shall be esteemed as sufficient Evidence in the Law to convict any Person or Persons offending against this Act, as if such Witness or Witnesses had been present at the Time of Trial, and given his, her or their Deposition *viva voce*; and every Person or Persons who shall be summoned to give Evidence before two Justices of the Peace in Manner as aforesaid, and shall neglect or refuse to appear, or to give Evidence relating to the Facts he or she shall be enquired of, shall be liable and subject to the same Penalty as he or she would have been by Virtue of this Act for not appearing or neglecting or refusing to give his or her Evidence before the Grand Jury or Court aforesaid.

Penalty on
Persons refus-
ing to give
Evidence.

And be it further enacted, That all Fines, Penalties and Forfeitures arising by this Act, shall and may be recovered by Action or Information before any Court of Record proper to try the same, and where the Sum forfeited doth not exceed *four Pounds*, by Action or Information before any one of his Majesty's Justices of the Peace in the respective Counties

How Fines
&c. are to be
recovered.

E

where

where such Offence shall be committed, which said Justice is hereby empowered to try and determine the same; and said Justice shall make a fair Entry or Record of all such Proceedings: Saving always to any Person or Persons who shall think him or themselves aggrieved by the Determination of said Justice, Liberty of Appeal therefrom to the next Court of General Sessions of the Peace to be holden for and within said County, at which Court such Offence shall be finally determined, provided that in the same Appeal the same Rules be observed as are already required by Law in Appeals from Justices to the Court of General Sessions of the Peace, saving only that the Recognizance for prosecuting the Appeal shall be *eight Pounds*.

Collector to settle Accounts.

And be it further enacted, That every Collector shall settle all Accounts relating to said Excise in the several Towns of the County where he is Collector, first giving seasonable and publick Notice of the Time and Place or Places where said Business shall be transacted.

Collectors of the Excise to be appointed by the General Court.

And be it further enacted, That there be one or more Collectors in each County appointed by the General Court, or Courts of General Sessions of the Peace where it shall happen that such Collector refuse to accept said Office, or be removed by Death, or for Mis-management, to take Charge of this Duty of Excise, who shall have full Power to inspect the Houses of all such as are licenced, and of such as are suspected to sell without Licence, which Collector shall be upon Oath to take Care of the Execution of this Law, and to prosecute the Breakers of it: And every Collector of the Excise in any County, may substitute and appoint one or more Deputy or Deputies under him upon Oath, to collect and receive the Excise aforesaid; which shall become due in said County, and pay in the same to such Collector; which Deputy and Deputies shall have, use and exercise all such Powers and Authorities, as in and by this Act are given or committed to the Collector for the better collecting the Duties aforesaid, or prosecuting Offenders against this Act; for the Doings of such Deputies, the Collectors respectively shall be accountable; and the said Collectors shall carefully examine the Accounts of every licensed Person in their respective Counties, and demand, sue for and receive the several Sums due from them by this Act, and shall give in the Name of every licensed and permitted Person, and an Account under their Hands of the particular Sums they receive, and of whom received, unto the Treasurer upon Oath; which Oath the Treasurer is hereby empowered and directed to administer in the Words following, viz.

Form of the Oath.

YOU A. B. do Swear, that this is a just and true Account of the Excise upon all Wines, Rum and distilled Spirits, Limes, Lemmons and Oranges, by you received or secured to be paid in the County of
And that the Persons by whom such Excise was paid or secured to be paid to you, were sworn in Manner and Form as by Law is prescribed.

So help you GOD.

Collectors to give two Receipts for every Sum received.

And at the Time of receiving any Money, the said Collector shall give two Receipts of the same Tenor and Date, mentioning what Sum or Sums they have received from any Taverner, Inn-holder, common Victualler or Retailer, one of which Receipts to be by the said Taverner, Inn-holder, common Victualler, or Retailer returned to the Court of General Sessions of

Excise.

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of the Peace within their respective Counties at the next Session of such Court; and the Clerks of said Court shall within thirty Days after Receipt thereof, transmit the same to the Treasurer or Receiver General, and such Collectors shall pay in to the public Treasury of this Province, all such Sums as they shall receive within six Months from the Date of their Commission, and so from Time to Time within the Space of the six Months, as long as they shall continue in such Office, on Pain of forfeiting the Reward given such Collectors by this Act, who shall be allowed in the Counties of *Suffolk, Essex, and Middlesex*, two per Cent. in the Counties of *Plymouth, Bristol, Hampshire, and Worcester*, two and an Half per Cent. and in the other Counties, three per Cent. on all Money by them collected and paid into the Treasury as aforesaid, each Collector before he enters into the said Office to give Bond for treble the Sum that it was farmed for in the respective Counties in the Year One Thousand seven Hundred and fifty seven, to the Treasurer of this Province for the Time being, and his Successors in said Office; which Bond shall be executed before the next Court of General Sessions of the Peace in the respective Counties after such Appointment where the said Collectors live, or before two of his Majesty's Justices of the Peace in the respective Counties, one to be of the *Quorum*; one of the said Justices to return the Certificate to the Clerk of the Sessions within thirty Days as aforesaid; and be transmitted to the Treasurer of the Province by the Clerk of the Peace within such County, within three Months after the Bond is executed, and the said Treasurer shall put in Suit the Bonds of all such Collectors who shall neglect to make due Payment within fifty Days after either of the Times of Payment.

Collectors Fees.

Bond to be given to the Treasurer for treble the Sum that the Excise was farm'd for

And be it further enacted, That in Case any Collector of the Excise as aforesaid or his Deputy, shall at any Time during their Continuance in that Office, wittingly and willingly connive at or allow any Person or Persons in their respective Divisions (not licenced by the Court of General Sessions of the Peace) their selling any Wine, Rum or other Liquors by this Act forbidden, such Collector or Deputy for every such Offence, shall forfeit the Sum of *fifty Pounds*, and Costs of Prosecution, one Half of the Penalty aforesaid to be to his Majesty for the Use of this Province, the other Half to him or them that shall inform and sue for the same, and shall be thenceforward for ever disabled from serving in said Office; saving that said Collector may give a Permit to any Person to sell Rum, or other Spirits distilled, or Wine, in Quantity from twenty-five Gallons and upwards, agreeable to this Act.

Penalty for Collectors or Deputies offending.

Provided always, and it is the true Intent and Meaning of this Act, that if any Taverner or Retailer shall sell to any other Taverner or Retailer, any Quantity of whatever distilled Liquors and Wine, such Taverner or Retailer selling as aforesaid, shall not be held to pay such Duty; but the Taverner or Retailer who is the Purchaser shall pay the same, and the Seller as aforesaid shall and hereby is required to deliver to the Collector of this Duty a true Account of such Liquors sold as aforesaid, and to whom sold.

Provided.

And to the End that the Revenue arising from the Excise upon spirituous Liquors may be increased and raised with more Equality:

Be it enacted, That from and after the twenty-fifth Day of *March* One Thousand seven Hundred and sixty-two, to the twenty-fifth Day of *March* One Thousand seven Hundred and sixty-five, upon all Rum and other

Duties to be paid upon all Liquors imported or manufactured.

other distilled Spirits, and all Wine imported and manufactured and sold for Consumption within this Province, there be laid and is hereby laid the Duties of Excise following, *viz.*

For every Gallon of Rum and Spirits distilled, *eight Pence.*

For every Gallon of Wine of every Sort, *one Shilling* : To be paid to the Collector of Excise or his Deputy by every Person having Permit to sell the said Liquors in each County respectively.

Liquors not to be sold by the Importer &c. without a Permit.

And be it further enacted, That every Person that shall import any of the Liquors aforesaid, or to whom any of them shall or may be consigned, shall be and hereby is prohibited from selling the same or any Part thereof, without having a Permit so to do from the Collector of Excise or his Deputy ; and every Person distilling or manufacturing any of the said Liquors, and every Person owning or possessing any of them, excepting such as are or may be licenced by the Court of General Sessions of the Peace as aforesaid, shall be and hereby are prohibited from selling the same, or any Part thereof, without having a Permit so to do from the Collector of Excise or his Deputy, on Forfeiture of *Fifty Pounds*, and of the Value of the Liquors so sold ; and the said Permit shall express the particular County where the said Liquors shall be permitted to be sold ; and if any Person who shall have such Permit shall sell and deliver, or cause to be sold and delivered any of the Liquors aforesaid from any other County not mentioned in such Permit, he shall forfeit *four Pounds*, to be paid one Third to the Prosecutor, and the other two Thirds to the Collector, for the Use of this Government.

Provido.

Provided nevertheless, That the Impost Officer and his Deputy shall be and hereby are respectively impowered to grant a Permit for selling the Liquors aforesaid, or any of them, to any Person applying for the same, until a Collector be appointed in each County respectively, to whom the Duty of Excise shall be paid as aforesaid, and until the Collector shall give public Notice of his Appointment as aforesaid : And the said Impost Officer and Deputy shall transmit to the Collector of each County an Account of the Permits by each of them respectively granted to Persons living in such County.

Collector applying to a Justice for a Warrant may search for Liquors supposed to be concealed.

And be it further enacted, That if the Collector aforesaid, or his Deputy shall have Information of any Place where any of the Liquors aforesaid shall have been sold by any Person not having Permit as aforesaid, he may apply to any Justice of the Peace within the County for a Warrant to search such Place, and said Justice shall grant such Warrant (directed to some proper Officer) upon said Collector or Deputy's making Oath that he hath had Information as aforesaid, and that he hath just Cause to suspect the Liquors aforesaid or some of them have been sold at such Place informed of as aforesaid, and having such Warrant, and being attended by such Officer, the said Collector or his Deputy may in the Day Time between Sun-rising and Sun-setting demand Admittance of the Person owning or occupying such Place, and upon Refusal shall have Right to break open said Place, and finding such Liquors may seize and take the same into his own Custody ; and the Collector aforesaid or his Deputy, shall be and hereby is impowered to command Assistance, and impress Carriages necessary to secure the Liquors seized as aforesaid, and Persons refusing Assistance,

Excise.

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or preventing said Officers from executing their Office, shall forfeit *five Pounds* to his Majesty for the Use of the Province, and the said Collector or his Deputy shall make reasonable Satisfaction for the Assistance afforded, and Carriages made use of, to secure the Liquors seized as aforesaid, and the Collector or his Deputy shall then file an Information of such Seizure in the Inferiour Court of Common Pleas for the County where such Seizure shall be made; which Court shall summon the Owner of such Liquors, or the Occupier of the Shop, House, Warehouse or Distil-house where the same were seized, to appear and shew Cause (if any he hath) why the said Liquors so seized should not be adjudged forfeited, and if such Owner or Occupier shall not shew Cause as aforesaid, or make Default, the said Liquors shall be adjudged forfeited, and the said Court shall order them to be sold at public Vendue, and the Neat Produce of such Sale shall be paid, one Third to the Prosecutor, the other two Thirds to the Collector, for the Use of this Government.

Provided, That if the Liquors seized as aforesaid be less in Quantity than one Hundred Gallons, the Collector or his Deputy shall file an Information thereof with one of the Justices of the Peace within the County where the Seizure shall be made, who shall summon the Owner or Occupier aforesaid, in Manner as aforesaid; and if such Owner or Occupier shall not shew Cause, or make Default as aforesaid, he shall adjudge such Liquors forfeited, and shall order them to be sold as aforesaid, and the Neat Produce of such Sale, to be disposed of as aforesaid; saving to the Person convicted, Liberty of Appeal, entering into Recognizance to the KING, for the Use of the Province, in the Sum of *Fifty Pounds*.

And be it further enacted, That every Person having Permit as aforesaid, shall at the End of each half Year respectively, from the twenty-fifth Day of *March* One Thousand seven Hundred and sixty-two, be ready to render to the Collector aforesaid, or his Deputy, an Account on Oath, of all the Liquors aforesaid, by him or her, or any Person or Persons in his or her Behalf sold, and also of all the aforesaid Liquors by him or her imported, distilled or manufactured, or which have come into his or her Possession since the twenty-fifth Day of *March* aforesaid, except the same were bought of a licenced Person in a Quantity less than twenty-five Gallons, which in his or her Family have been consumed or expended within each half Year respectively; which Account shall express the Number of Gallons of each Kind of the Liquors so sold and consumed, and shall pay therefor to the said Collector or his Deputy the Duty aforesaid, excepting for so much as shall have been sold to Taverners, Inn-holders or Retailers, having Licence from the Sessions as aforesaid, or to any other Persons having Permit as aforesaid; and so much as shall have been exported out of this Province: And if any of said Liquors shall have been sold to Persons licenced by the Sessions, or to Persons having Permit, said Account shall exhibit the Names of such licenced Persons who purchased, and Persons having Permit, and Time when they purchased the same; and the Persons accounting shall exhibit a Certificate under the Hand of the licenced or permitted Person purchasing, which shall express the Number of Gallons, and the Kind of the Liquors purchased, and the Time when the same was purchased, and the Name of the Town and County wherein such licenced permitted Person lives, and shall lodge the said Certificate with the said Collector or his Deputy: And for the Quantity of the said Liquors mentioned in such Certificate, the said Collector or his Deputy shall not demand any

Persons having Permit as aforesaid, to render an Account to the Collector at the End of every Half Year, saving, &c.

Duty, but shall deliver said Certificate to the Collector of the County wherein such licenced or permitted Persons signing the same lives; which last mentioned Collector or his Deputy shall settle with such licenced or permitted Person for the Duty aforesaid, which may be due from him or her.

Persons having Permit as aforesaid, to give an Account of Liquors by them sent out of the Province.

And if any Person having a Permit or Licence as aforesaid; shall ship or export any of the Liquors aforesaid, out of this Province in a Quantity not less than thirty Gallons, and shall make an Entry thereof with the Collector aforesaid or his Deputy, and shall produce to such Collector or his Deputy (when he comes to settle his Account of Excise) one of the Receipts or Bills of Lading given therefor by the Master of the Vessel on board which such Liquors shall be shipped, or if it shall be carried out of the Province by Land, or in small Boats, then of the Person who is Master of the Land Carriage or Boat, expressing the Quantity thereof, and the Time of their being shipped; and shall lodge such Receipt or Bill of Lading with the Collector or his Deputy aforesaid, and at the same Time shall Swear, that such Liquors are *bona fide* sent, or intended to be sent out of the Province, he or she shall not be held to pay the Duty thereon aforesaid.

Persons not having Permit, to render an Account, &c.

And if any Person not having Permit or Licence shall purchase for Exportation out of this Province, any of said Liquors in a Quantity not less than thirty Gallons of a Person having Permit or Licence, the Purchaser shall make Entry with the Collector or his Deputy, and at the same Time Swear, that such Liquors are *bona fide* sent or intended to be sent out of this Province, and shall within ten Days after shipping the same, deliver one of the Receipts or Bills of Lading given for such Liquors as aforesaid, to the Person of whom he purchased the same, or be subject to pay the Amount of the Duty thereon, to the Person of whom he purchased the same as aforesaid, who shall pay such Duty to the Collector or his Deputy; but if the Purchaser aforesaid shall deliver such Receipt or Bill of Lading as aforesaid, and it be lodged with the Collector or his Deputy, then for the Quantity of said Liquors mentioned therein, the Collector or his Deputy, shall not Demand any Duty.

Penalty for Masters or others giving Certificate without receiving the Liquors.

And if the Master of any Vessel, or any other Person shall give such Certificate, Receipt or Bill of Lading without receiving the Liquors mentioned therein; or if any Person shall procure such Certificate, Receipt, or Bill of Lading, with design to defraud the Government, and shall be thereof convicted, they and each of them shall forfeit and pay the Sum of *One Hundred Pounds*, two Thirds for the Use of this Government, and the other Third for the Use of the Prosecutor: And if any such Certificate, Receipt or Bill of Lading shall be forged, counterfeited or altered, the Person forging, counterfeiting or altering, shall incur the Penalty of *One Hundred Pounds*.

Provido.

Provided nevertheless, That the Person having Permit as aforesaid, shall not sell any of the Liquors aforesaid, in a Quantity less than twenty-five Gallons (to be sold and delivered to one Person at one Time) unless he or she has Licence from the Court of General Sessions of the Peace as aforesaid, on Pain of incurring the several Fines and Penalties in the former Part of this Act, laid upon those Persons who sell the Liquors aforesaid without Licence.

Excise.

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Be it further enacted, That the Collector aforesaid, or his Deputy, when the Exporter shall make an Entry with him as aforesaid, or shall make an Entry with him and Swear as aforesaid, shall give to said Exporter a Certificate of such Entry, or a Certificate of such Entry and Oath, on Penalty of *One Hundred Pounds* for the Use of the Exporter.

Collector to give Certificate on Penalty.

And be it further enacted, That every Person applying to the Collector or his Deputy, or to the Impost Officer or his Deputy for a Permit, shall give Bond for the Use of this Province, with or without Sureties, in a Sum not exceeding *Two Hundred Pounds*, nor less than *Twenty Pounds*, at the Discretion of the Collector or Impost Officer, conditioned for the Payment of the Excise that shall become due according to the Account to be exhibited by such Person taking such Permit, and no Person shall have such Permit of the Collector or Impost Officer, until he hath given such Bond.

Persons applying for a Permit to give Bond.

And whereas the Importer of any of the Liquors aforesaid, or the Person to whom they shall be consigned, may intend the same either for Sale, or for his or her own private Consumption; in which Case such Importer or Consignee is not sufficiently held by any preceeding Part of this Act to pay the Duty or Excise aforesaid :

Preamble.

Wherefore in order to lay said Duty or Excise in as equal Manner as may be :

Be it enacted, That every Person that shall bring or import into this Province, either by Land or Water Carriage, any of the Liquors aforesaid, either for Sale or private Consumption, shall within twenty-four Hours pay or secure to the Collector the Duties or Excise due thereon; but in Case such Importer or Consignee be licenced or permitted, then he shall be held only to Report the same to the Collector of Excise, and at the End of each half Year respectively, shall make out an Account, expressing the Kind and full Quantity of the Liquors aforesaid, imported or consigned as aforesaid; and when the Account is rendered to the Collector or his Deputy, it shall be upon Oath, and such Importer or Consignee shall pay to the said Collector or his Deputy on the Liquor or Liquors mentioned in said Account, the Duty of Excise aforesaid; (deducting *ten per Cent.* for Leakage) and in Case of Failure herein, the Offender shall pay a Fine of *Four Pounds*, and treble Duty or Excise on the Quantity so imported or brought in, one Third of which shall be for the Use of the Province, the other two Thirds for him or her that shall inform and sue for the same.

Persons importing Liquors for private Consumption, &c. to render Account thereof to the Collector.

And if said Collector or his Deputy shall have Reason to suspect any Person of bringing or importing into this Province either by Land or Water Carriage, any of the Liquors aforesaid, without having entered the same, and secured the Duties or Excise aforesaid, the said Collector may apply to two of the next Justices of the Peace to such suspected Person, and within the County where he lives, and on making Oath that he so suspects such Person, said Justices shall issue a Process under their Hands and Seals, directed to the Sheriff or his Deputy or Constable, requiring him to summon such suspected Person; and oblige him to give Security to the Amount of *One Hundred Pounds*, to appear and answer and Respond the Judgment that shall be given on the Premises; and in Case such Person shall not give such Security, to bring him before such Justices at the Time that said Justices

Collector may apply to two Justices for a Citation where he may suspect Persons giving a false Account, &c.

in

in such Process shall appoint : And when the Parties shall be before them, the said Justices shall examine into the Cause of Complaint, and if it shall appear either by Confession of the Party, or by the Evidence of one credible Witness, that he or she or any one on his or her Behalf, has imported or has had any of the Liquors aforesaid consigned to him or her without having entered the same, and secured or pay the Duty or Excise as aforesaid, such suspected Person shall then render a full Account on Oath of the Kinds and Quality of the Liquors imported or consigned as aforesaid, and shall pay on such Liquors or give Security to pay the aforesaid Fine of *four Pounds*, and treble Duty or Excise as aforesaid, one Third for the Use of this Government; the other two Thirds for the Informer and Prosecutor, and Costs. And said Justices are hereby impowered to make up Judgment and award Execution accordingly, provided the said Fine and treble Damage exceed not *six Pounds*, then the said Justices shall bind the Offender to answer his Offence at the next Court of General Sessions of the Peace for the County where the Offence was committed, and such Offender shall enter into Recognizance with two sufficient Sureties to answer for his Offence in the Sum of *Fifty Pounds*; and any Person or Persons upon refusing to render such Account and paying as aforesaid, shall forfeit *Fifty Pounds*, one Third for the Use of the Prosecutor, the other two Thirds for the Use of this Government, in Lieu of such Fine and treble Duty, to be recovered as is hereafter provided in this Act; and if no Confession be made by such suspected Person, and no Evidence produced as aforesaid, and it shall appear to the Justices before whom the same is tried, that there is sufficient Ground of Suspicion, the suspected Person may then clear him or her self from the Complaint aforesaid, by taking an Oath of the Form following :

Form of the
Oath.

YOU A. B. do Swear, that you have not directly or indirectly, either by your self or any Person in your Behalf, imported into this Province any Rum, Spirits distilled, or Wine; and that you have not had any of said Liquors directly or indirectly consigned to you, but what you have paid or secured to be paid the Duty or Excise, agreeable to an Act of this Province made in the second Year of his Majesty's Reign, Intituled, An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons and Oranges.

So help you GOD.

Penalty for
refusing to
take the Oath.

Which Oath the said Justices are hereby impowered and required to administer : And if such suspected Person shall refuse to take the said Oath, and shall neglect to appear upon the Citation aforesaid, he or she shall pay the Cost of Citations, and shall forfeit the Sum of *Fifty Pounds*, one Third for the Use of the Prosecutor, the other two Thirds for the Use of this Government, and Costs of Prosecution; but if such suspected Person shall take the said Oath, the Costs of Citation or Warrant, shall be paid by the Collector or his Deputy respectively, who applied for such Citation or Warrant, who shall also pay to the Person cited and apprehended, and taking said Oath, the Sum of *twenty Shillings* : And in Case any Person shall be served with the Process aforesaid in Manner aforesaid, and shall not appear according to the Tenor thereof, said Justices shall make a Record thereof, and the Security taken by the Sheriff or his Deputy or Constable as aforesaid, shall be deemed forfeited, and the same by said Collector may and shall be put in Suit in any Court proper to try the same, and the Sum recovered shall be divided one Third to his Majesty for the Use of this Province, and the other two Thirds to such Collector.

And

Excise.

21

And be it further enacted, That the Collector or his Deputy shall be and hereby is obliged to grant a Permit, under his Hand to every Person applying for the same, on Penalty of *Two Hundred Pounds*, to and for the Use of the Person making Application : which Permit shall be in the Form following, viz.

Collectors to grant a Permit on Penalty.

YOU A. B. of C. in the County of D are hereby permitted to sell Rum and other distilled Spirits and Wine, or any of said Liquors within the County of until the Day of One Thousand seven Hundred and pursuant to an Act of this Province, made in the second Year of his Majesty's Reign, Intituled, An Act for granting unto his Majesty an Excise upon Spirits distilled, and Wine, and upon Limes, Lemmons and Oranges. Dated at C. this Day of 1762.

Form of the Permit.

A. B. Collector (or Deputy-Collector) of Excise for the County aforesaid.

And for such Permit the said Collector or Deputy shall be entituled to receive *two Pence*, and no more : And the like Sum for an Entry made with him ; and the like Sum for a Certificate given by him.

Fee for a Permit.

And be it further enacted, That the Collector of Excise, either by himself or his Deputy, shall keep an Office in each Sea Port Town within his County, where he or his Deputy shall give his Attendance on every Thursday from Nine of the Clock in the Morning, to Twelve at Noon, to grant Permits, to receive Entries, give Certificates, &c. *Provided*, That in the Town of *Boston* such an Office shall be kept, and Attendance given on every Day, Lord's Day only excepted, within the Hours aforesaid of each of said Days respectively. *Provided also*, That the said Collector or his Deputy on Application made shall at any other Time grant Permits, receive Entries, and give Certificates aforesaid.

Collector to keep an Office in each Sea-Port Town, &c.

And whereas Persons not belonging to this Province, may import the Liquors aforesaid, and take Permit to dispose of the same ; and may go out of the Province before the Time comes about when Persons selling said Liquors are held to Account with the Collector, and by that Means may avoid paying the Duty upon what has been so disposed of :

Preamble.

For preventing whereof :

Be it enacted, That every Person importing the Liquors aforesaid, and applying to the Collector or his Deputy for a Permit to sell the same, shall give Bond to said Collector in a Sum not exceeding *Two Hundred Pounds*, nor less than *Twenty Pounds*, with or without Sureties, at the Discretion of the Collector, that he will render to the said Collector or his Deputy an Account on Oath of the Kind and full Quantity of the Liquors aforesaid sold by him, or by any Person or Persons on his Behalf ; and that he will pay thereon the Duty or Excise aforesaid, before he leaves the Province ; and if such Person shall refuse to give such Bond, the said Collector or his Deputy shall not be obliged to grant him a Permit (any Thing in this Act to the contrary notwithstanding) and if such Person shall sell any of the Liquors aforesaid without Permit, he shall be subject to all the Penalties that other Persons selling without Permit are subject to : Or if such Person shall give Bond as aforesaid, and shall leave the Province before such Bond be discharged, the Collector may bring his Action on such Bond against the Surety or Sureties for the Recovery of the Sum in such Bond mentioned,

Persons importing Liquors as aforesaid to give Bond.

G

which

which shall be one Third for the Use of the Prosecutor, the other two Thirds for the Use of this Government.

Deputy-Col-
lectors liable
to Military
Duties.

Be it further enacted, That no Person shall be exempted from any Military Duty by Means or on Account of his being appointed a Deputy Collector of the Duties or Excise of spirituous Liquors, but shall to all Intents and Purposes be liable to Train, be Impressed, and perform every other Military Duty as if such Person had not been appointed a Deputy Collector as aforesaid.

All Persons
who had Per-
mits or Li-
cence to sell
Liquors, and
shall not re-
new the same,
to account for
the Duties

Be it further enacted, That all Persons who took out Permits in the preceeding Years, and do not renew the same, shall at the End of each half Year from and after the twenty-sixth Day of *March* next, and until the twenty-sixth Day of *March* One Thousand seven Hundred and sixty-five, render to the Collector or his Deputy that shall or may be appointed in the respective Counties by Vertue of this Act, an Account on Oath of all Liquors remaining in their Hands, and consumed in his, her or their Families during the Continuance of this Act, and pay the Duties herein imposed (deducting *ten per Cent.* for Leakage) upon Penalty of *Fifteen Pounds*, one Half to the Informer, the other Half to and for the Use of this Province.

Collector of
the Duties of
Excise to ac-
count for all
Wine, &c. sold
or consumed
by them.

Be it further enacted, That every Person that hath been or may be appointed Collector of the Duties aforesaid, who shall import into this Province, or shall have by Consignment or otherwise, or shall sell or dispose of any Wine, Rum or Spirits distilled, Limes, Lemmons or Oranges, or shall use or consume the same, such Collector shall take, keep and render a like Account thereof upon Oath to the Province Treasurer (who is hereby impowered to administer the same in the Form by this Act prescribed) and pay to him the like Duties thereon as such Person so appointed Collector would otherwise have been held and obliged to have taken, kept, rendered and paid to the Collector of the Duties aforesaid; and that the same be done in like Manner and Time, and under the like Pains and Penalties as by this Act in such Cases is provided.

How Fines
&c. arising by
this Act to be
disposed of.

Be it further enacted, That all Fines, Penalties and Forfeitures arising or accruing by any Breach of this Act, and not otherwise appropriated, shall be two Thirds to his Majesty for the Use of this Government, and the other Third for the Use of the Prosecutor, to be recovered by Action or Information in any of his Majesty's Courts of Record.

[*This Act expires March 26, 1765.*]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston*, on Wednesday the Twenty-sixth Day of *May* 1756. And continued by Prorogations and Adjournment, to the fifth Day of *October* following, and then met.

An Act for providing and maintaining two armed Vessels to Guard the Coast, and for supplying the Treasury with *Seven Thousand Pounds* for that End.

WHEREAS it appears necessary for his Majesty's Service, and for the Preservation and Defence of the Trade and Fishery of this Province, that two armed Vessels be provided for that Purpose, and in order thereto that the Treasury be supplied with the Sum of Seven Thousand Pounds, which it appears most just and equal (considering the heavy Burthen of the publick Taxes) should be laid on the Trade and Fishery : Wherefore,

Be it enacted by the Lieutenant-Governor, Council and House of Representatives, That from and after the first Day of *November* next, during the Continuance of the present War with *France*, and until the first Day of *November* then next following, there be and hereby is granted unto his most excellent Majesty, a Duty of *Six Pence* per Ton on all Ships and other Vessels (excepting common Coasters, Whaling and Fishing Vessels) entering in to any Port or Harbour within this Province, other than such as shall clear out of some other Port or Harbour within the same ; and on all Coasters trading from Harbour to Harbour within this Province, and Whaling and Fishing Vessels, the like Sum of *Six Pence* per Ton a Year : And also a Duty or Excise of *Six Pence* per Pound upon Tea, and *Two Pence* per Pound upon Coffee, and *Five per Cent.* upon China Ware *ad Valorem* ; the Income of which shall be applied to the providing and maintaining of two armed Vessels, ordered by this Court to be provided and equipped, for the guarding the Coast of this Province against his Majesty's Enemies.

Duty of six Pence per Ton on all Ships and other Vessels, except Coasters, &c. from Nov. 1st 1756, during the Continuance of the present War with France ; also a Duty on Tea, &c. for building two armed Vessels.

And to render this Act effectual :

Be it further enacted, That the Tonnage of all Vessels, except Whaling, Fishing and Coasting Vessels, shall be measured and taken in Manner as is directed in the Act for building the Light House, passed in the first Year of King *George* the first, Chapter the sixth ; and the Commissioner of Impost or his Deputy, is hereby directed and impowered before he enters any

Manner of measuring Vessels.

Commissioner of Impost to receive Duty required by this Act, &c. any Ship or Vessel, that is by Law required to enter, to demand and receive the Duty by this Act intended to be paid, and shall certify the same to the Naval Officer; and the Naval Officer is hereby strictly forbidden to clear but any Ship or other Vessel until the Master or Owner of such Ship or Vessel shall produce a Certificate that he has paid the Duty by this Act designed to be paid, and in Case the Master of any Ship or Vessel refuse to enter at the Custom House Office as by Law obliged, or to pay the Duty by this Act provided, any such delinquent or refusing Master, over and above the Penalty by Law already provided, shall be liable to the Action or Actions of the Impost Officer for the Time being, for the Recovery of the Duty by this Act imposed in any of his Majesty's Courts of Record, or before any Justice of the Peace as the Nature of the Case shall require, to prosecute which Action or Actions the said Impost Officer or Officers are hereby respectively empowered.

Naval Officer directed.

Penalty in Case of refusal to pay the Duties by this Act required.

Select-men or Assessors to tax Whaling, Fishing or Coasting Vessels. *Be it further enacted*, That the Select-Men or Assessors of every Town within this Province where any Whaling, Fishing or Coasting Vessels may belong, are hereby empowered and directed to assess and tax the Vessels aforesaid according to the Direction of this Act herein before expressed, the Measure of the Vessel in Case of Doubt, to be taken at the Cost of the respective Owners or Masters by the said Assessors, unless the Account of their Measure first given in be just and true, in which Case the Charge to be born by the respective Towns; and the said Assessment and Tax when made, to commit to the Constable or Collectors of their Towns respectively, who are hereby empowered and obliged to collect the same of the Master or other Person having the principal Care thereof, and pay it into the Province Treasury; and the said Assessors are further required and directed to transmit to the Province Treasurer Yearly a List of every Vessel by them, according to the Tenor of this Act assessed and taxed, together with the Certificate of the Name or Names of the Constables or Collectors to whom the said Assessment shall have been by them committed to collect, and the Province Treasurer is hereby empowered and directed to issue out his Warrants for the Recovery of the said Duty or Tax assessed as aforesaid, on any Whaling, Coasting and Fishing Vessels against any delinquent Constables or Collectors, as is by Law in other Cases made and provided.

Manner of collecting the same.

Proviso.

Provided nevertheless, This Act shall not be construed to exempt any Vessels aforesaid from being taxed, as Vessels heretofore.

No Person to sell Tea China Ware or Coffee without Licence.

Licensed Persons to give Bond.

And be it further enacted, That no Person or Persons whatsoever from and after the first Day of November next, other than such as shall obtain Licences from the Justices in General Sessions to sell Tea, China Ware and Coffee, unless as is herein after provided, shall directly or indirectly either by themselves or any under them presume to sell the same; and every Person shall before such Licence be granted give Bond with sufficient Sureties for his, her or their well and truly paying the Duties laid on those Articles, he she or they shall be licenced to sell, and that he she or they will use his her or their Licence in such House or Houses as shall be therein named, and no other, and that he she or they will render to the Farmer or his Deputy on Oath, which he is hereby empowered and directed to administer to the Person exhibiting such Account, a just and true Account of all the aforesaid Commodities by him, her or them taken in for Sale, sold, used or consumed from Time to Time, and pay unto the Farmer or his Deputy at the End of every half Year, the Sum or Sums of Excise that may arise pursuant to this Law.

Provided

Supply for armed Vessels.

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Provided nevertheless, It shall and may be lawful for any Person whether licenced or not, to dispose of any Tea, Coffee or China Ware in any Quantity whatsoever, to any Person licenced to sell the same, he or she complying with the Terms of this Act relating to a Certificate. Proviso.

Provided always, and it is the true Intent and Meaning of this Act, Proviso. that if any Person licenced to sell any of the aforesaid Commodities, shall sell to any other such licenced Person any Quantity of the Commodities aforesaid, such licenced Person selling as aforesaid shall not be held to pay such Duty, but the licenced Person who is the Purchaser shall pay the same, and the Seller aforesaid shall and is hereby required to deliver to the Farmer of this Duty a true Account of such Commodities sold as aforesaid.

And be it further enacted, That the said Licence be renewed Yearly, Licences to be renewed yearly. and Bond given as aforesaid, and that the said Licences be renewed to no Person whatsoever, unless he or she before their receiving the same produce a Certificate under the Hand of the Farmer or his Deputy of his or her having paid the full of the Excise due from them respectively as aforesaid.

And be it further enacted, That if any Person or Persons not licenced as aforesaid, unless as is herein provided, shall from and after the first Day of November next, presume directly or indirectly by themselves or any under them to sell any Tea, China Ware or Coffee by any Quantity, Weight, Number or Measure, he she or they shall for every such Offence on due Conviction forfeit and pay the Sum of *Four Pounds*, one Half to the Informer, and the other Half to the Farmer, the Manner of Conviction to be the same as of Persons selling strong Liquors without Licence, as is by Law already provided; and every Person licenced as aforesaid who shall presume to sell any of the before mentioned Commodities and shall refuse or neglect to account with the Farmer, and pay the Duties required by this Act, or shall give a false Account, shall be subject for each Offence to the Penalty of *Fifty Pounds*, and shall be rendered incapable of renewing his, her or their Licence, to sell the same for the future, the Penalty to be recovered shall be to the Farmer, and the Manner of Conviction shall be the same as of Persons selling strong Drink without Licence, unless he, she or they who have thus rendered a false Account, shall within twenty Days after such Account given to the Farmer, *bona fide*, swear that there was an involuntary Mistake made in such Account, and within that Time rectify the same. Fine for selling without Licence.

Provided nevertheless, That Nothing in this Act shall be construed to Proviso. extend to any Quantity of any of the Commodities aforesaid, which shall be sold for Consumption out of this Province to any Person not belonging thereto, and the Person selling shall produce a Certificate from the Purchaser under Oath, that he *bona fide* purchased the same with Intent to carry it out of this Government, and there to be consumed; and in Case any Person shall produce a false Certificate, and be thereof convicted, he she or they shall forfeit and pay to and for the Use of the Farmer the Sum of *Six Pounds*, to be recovered in any of his Majesty's Courts proper to try the same.

And to the End the Revenue arising from the aforesaid Duties of Excise may be advanced for the greater Benefit and Advantage of the Publick:

H

Be

Supply for armed Vessels.

Duty on Tea,
&c. to be
farmed.

Be it further enacted, That one or more Persons, to be nominated and appointed annually during the Continuance of this Act by the General Court for and within the several Counties within this Province (public Notice being first given of the Time, Place and Occasion of their Meeting) shall have full Power and are hereby authorized from Time to Time to contract and agree with any Person for or concerning the farming the Duties in this Act mentioned on Tea, Coffee and China Ware, in the respective Counties for which they shall be appointed, as may be for the greatest Profit and Advantage of the Publick.

Farmer to
give Bond.

And be it further enacted, That the Farmer shall give Bond (with two sufficient Sureties) to the Province Treasurer for the Time being, and his Successors in said Office, in double the Sum of Money that shall be contracted for, with Condition that the Sum agreed to, be paid into the Province Treasury for the Use of the Province at the Expiration of one Year from the Date of such Bond, which Bond the Person or Persons to be appointed a Committee of such County are to take, and the same to lodge with the Treasurer as aforesaid within twenty Days after such Bond is executed, and the said Treasurer upon Failure or Neglect of Payment at the Time therein limited, shall and is hereby impowered and directed to issue out his Execution (returnable in sixty Days) against such Farmers of Excise and their Sureties or either of them for the full Sum expressed in the Condition of their Bonds, as they shall respectively become due, in the same Manner as he is enabled by Law to issue out his Executions against defective Constables, and the said Committee shall render an Account of their Proceedings touching the farming this Duty on China Ware, Tea and Coffee aforesaid in their respective Counties to the General Court in the Fall Sessions, and shall receive such Sum or Sums of Money for their Trouble and Expence in said Affair as said Court shall think fit to allow them; and every Person farming the Excise in any County may substitute and appoint one or more Deputy or Deputies under him to collect and receive the Excise aforesaid, which shall become due in such County, and pay the same to such Farmer; which Deputy or Deputies shall have, use and exercise all such Powers and Authorities as in and by this Act are given or committed to the Farmers, for the better collecting the Duties aforesaid, or prosecuting the Offenders against this Act.

Treasurer to
sue out the
Bond in Case.

Farmers may
appoint Deputies.

Executors or
Administrators of deceased
Farmers to
have their
Power, &c.

And be it further enacted, That in Case of the Death of either of the Farmers of Excise in any Counties, the Executors or Administrators of such Farmers shall upon taking such Trust of Executor or Administrator upon them, have and enjoy all the Powers, and be subject to all the Duties the Farmer had or might enjoy or was subject to by Force of this Act.

Court of
Sessions to
give Licence.

And be it further enacted, That the Justices of the several Counties be and they hereby are impowered at their several Sessions during the Continuance of this Act to grant Licences for selling and retailing any of the aforesaid Articles to all such fit and proper Persons as shall apply to them for the same; and all Persons desiring Licences are hereby directed to apply to the Justices in Sessions for said Licence accordingly, they taking Bonds with sufficient Sureties to secure the full Value of the Excise on China Ware, Tea, and Coffee, which it is probable may be sold by the Persons petitioning for such Licence, and the Person receiving such Licence shall pay no other or greater Fee than *two Shillings* in the whole (*One Shilling* to the Court, and *One Shilling* to the Clerk) for his or her Licence and Bond aforesaid.

And

Supply for armed Vessels.

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And be it further enacted, That in such Counties where the Courts of General Sessions shall not sit in thirty Days after the said first Day of November next, it shall be in the Power of two of his Majesty's Justices of the Peace in such County (*Quorum Unus*) to grant Licences for selling the Commodities aforesaid to all such Persons as shall apply for the same, upon giving the Security by this Act required; and the Justices granting such Licence, and returning a Certificate thereof under their Hands to the next Court of General Sessions of the Peace, shall be adjudged sufficient to entitle the Person so Licensed to sell said Commodities from the Date of such Certificate until the Expiration of one Year from the Return thereof as aforesaid.

And to the End that this Government may know what Monies shall be received by the Farmer of each respective County and his Deputies by Virtue of this Act :

Be it enacted, That to every Person licensed by the Sessions as aforesaid, the said Farmer or his Deputy (when said Persons shall account with them) shall give two Receipts under their Hand for what each of them have respectively received either as Duty or as Forfeiture, or in any other Way; and the said Receipts shall express the true and just Sum received, and the Consideration for which it was received; and one of said Receipts shall be lodged within one Month after the Date thereof by each Person respectively to whom said Receipt shall be given, with the Clerk of the Sessions for the County wherein such Person lives, on Penalty of *Forty Shillings*, and of being rendered incapable of renewing his or her Licence for the future: And the Clerk aforesaid shall transmit a fair and true Copy of the Receipts that shall be so lodged with him, to the Secretary of this Province, who shall lay the same before this Court.

Farmer to give two Receipts for what Sums he receives.

And be it further enacted, That the Farmer of each respective County shall render an Account on Oath to the Province Treasurer (when he shall come to discharge his Bond given for the Farm of the Duties aforesaid) of the Sums and Securities he or his Deputy or either of them have in any way received by Virtue of this Act; and the said Account shall express the Name of each Person of whom they or either of them have received any Sum or Security, how much that Sum or Security is for, and the Time when the same were received: And it shall be Part of the Condition of the said Farmer's said Bond that he will render such Account taken upon Oath as aforesaid: And if said Farmer shall not have settled (when he comes to discharge the said Bond) with every Person obliged by this Act to account and settle with him, his said Bond shall not be discharged till he has so settled, and rendered an Account of such Settlement to the Province Treasurer as aforesaid.

Farmer to render an Account on Oath to the Treasurer of what Monies or Securities he or his Deputies shall receive.

Provided nevertheless, That if said Farmer shall at the End of one Month, and of ten Months respectively from the Time of Payment expressed in said Bond, render an Account on Oath as aforesaid, and shall swear that such Account expresses the whole Sum that he hath received, either in Money or by Securities, or by any other way whatsoever, then his Bond shall be discharged and delivered up to him.

Provido.

Be it further enacted, That if any Account of Excise shall remain unpaid and not settled by Bond or Note for the Space of ten Months after the

the

Farmer shall have no Right to bring an Action after ten Months except.

How Fines are to be disposed of.

the Expiration of this Act, unless the Action is depending, the said Farmer or his Deputy shall not have Right to bring any Action against the Person whose said Account shall remain so unpaid or unsettled, but shall forfeit what might otherwise have been due from such Person.

Be it further enacted, That all Fines, Penalties and Forfeitures arising and accruing by any Breach of this Act and not otherwise appropriated, shall be one Half to his Majesty for the Use of this Province, and the other Half for the Use of the Farmer, to be recovered by Action, Bill, Plaint or Information in any of his Majesty's Courts of Record.

And whereas it will be necessary that Money should be advanced for the purchasing the Vessels aforesaid before that a Sufficiency will be brought into the Treasury pursuant to this Act : Therefore,

Treasurer impowered to borrow £. 7,000.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That the Treasurer of the Province be and hereby is impowered and directed to borrow from such Person or Persons as will be willing to lend the same, the said Sum of *Seven Thousand Pounds* in mill'd Dollars at *Six Shillings* each, or in other Silver at *Six Shillings and eight Pence* per Ounce, for a Term not exceeding two Years; and the Sum so borrowed shall be applied for purchasing the Vessels aforesaid; and for every Sum so borrowed, the Treasurer shall give a Receipt and Obligation in Form following :

Form of Treasurer's Receipt

Province of the *Massachusetts-Bay.*

Day of 17

Received of the Sum of for the Use and Service of the Province of the Massachusetts-Bay; and in Behalf of said Province I do hereby promise and oblige my self and Successors in the Office of Treasurer, to repay the said or Order, the Day of 17 the aforesaid Sum of in Coined Silver of Sterling Alloy at Six Shillings and eight Pence per Ounce, or Spanish mill'd Dollars at Six Shillings each, with Interest annually, at the Rate of six per Cent. per Annum. Witness my Hand,

And no Receipt shall be given for a Sum less than *Six Pounds*.

Proviso in Case of Deficiency.

And be it further enacted, That if the Sums that shall be brought into the Treasury by Virtue of this Act during the two Years as aforesaid, be not sufficient to pay the *Seven Thousand Pounds* aforesaid, and what Interest shall become due for the same, the Deficiency shall be made good by a Tax upon all the Polls and Estates of the People in the Province, according to such Rules and in such Proportion as shall be agreed on by the General Court the next Sessions after the said two Years shall determine.

Rule for apportioning the Tax in Case no Tax Act shall be agreed on.

And be it further enacted, That in Case the General Court shall not at their Sessions in *May* and before the twentieth Day of *June* One Thousand seven Hundred and fifty nine, agree and conclude upon an Act apportioning the Sum which by this Act is engaged to be in said Year apportioned, assessed and levied, that then and in such Case each Town and District within this Province, shall pay a Tax to be levied upon the Polls and Estates both Real and Personal within their Districts, the same Proportion of the same Sum as the said Towns and Districts were taxed by the General

Idle and disorderly Persons.

29

neral Court in the Tax Act then last preceeding (saying what relates to the Pay of the Representatives, which shall be assessed on the several Towns they represent) and the Province Treasurer is hereby fully impowered and directed some Time in the Month of *June* One Thousand seven Hundred and fifty nine, to issue and send forth his Warrants directed to the Select-Men or Assessors of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts for their respective Parts and Proportion of the Sum before directed and engaged to be assessed, and also for the Fines upon the several Towns for not sending a Representative: And the Assessors as also Persons assessed shall observe, be governed by, and subject to all such Rules and Directions as have been given in the last preceeding Tax Act.

This Act Expires the First Day of November, 1763.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the Twenty-sixth Day of *May* 1736.

An Act to enable the Overseers of the Poor and Select-Men to take Care of idle and disorderly Persons.

WHEREAS some idle, dissolute and vagrant Persons, having some Estate, and accordingly rateable, take no Care of their Families, nor improve their Estates to the best Advantage, which Persons are not under the Care or Inspection of the Overseers of the Poor or Select-Men of the Town where such idle Persons dwell: Preamble.

Be it therefore enacted by his Excellency the Governor. Council and House of Representatives in General Court assembled, and by the Authority of the same, That where any idle, dissolute or vagrant Persons, having a rateable Estate, do neglect to take due Care of themselves and their Families, or to improve their Estates, that in all such Cases the Overseers of the Poor, or the Select-Men of the Town, shall be and hereby are impowered to take the like Care and Inspection of such Person or Persons that neglect the due Care and Improvement of their Estates, and that mispend their Time and Money, and that live idle, vagrant and dissolute Lives, as if they were poor, indigent and impotent Persons, and accordingly put out, into orderly Families, their Children, if any they have, and improve their Estates to the best Advantage, and apply the Produce and Income thereof towards the Support of them and their Families. Idle Persons having Estates to be taken Care of by the Select-Men, &c.

I

Provided

1740.

Anno Regni Regis GEORGII, II. Decimo Quarto.

30

Poor.

Proviso. *Provided, That any of the said idle Persons, thinking themselves aggrieved, may make their Application to, and have Remedy from, the Justices in the General Sessions of the Peace in the same County (if they see Cause) who are hereby impowered to relieve such aggrieved Person from the Determination of the Select-Men.*

Limitation. *This Act to continue and be in Force for the Term of ten Years from the Publication thereof, and no longer.*

Expired 1762, but is to be consider'd in the Revival of Acts respecting the Poor.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and Held at *Boston*, upon Wednesday the twenty-eighth Day of *May* 1740, and continued by several Prorogations unto Wednesday the twenty-sixth Day of *March* following and then met.

An Act for Explanation of and Supplement to the Act referring to the Poor, &c.

Preamble. *WHEREAS the Law for binding out poor Children Apprentices, is misconstrued by some to extend only to such Children, whose Parents receive Alms ;*

For Explanation whereof.

Children whose Parents are unable to maintain them and do not pay Taxes, to be set to Work or bound out.

Be it declared and Enacted by his Excellency the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That the Select-Men or Overseers of the Poor, in any Town or District within this Province, or the greater Part of them, shall take Order, and are hereby impowered from Time to Time, by and with the Assent of two Justices of the Peace to set to Work or bind out Apprentice, as they shall think convenient, all such Children, whose Parents shall by the Select-Men or Overseers of the Poor, or the greater Part of them, be thought unable to maintain them (whether they receive Alms, or are chargeable to the Place or not) so as that they be not cessed to publick Taxes or Assessments for the Province or Town Charges, Male Children till they come to the Age of twenty-one Years, and Females till they come to the Age of eighteen Years or Time of Marriage ; which shall be as good and effectual in Law to all Intents and Purposes, as if any such Child were of full Age, and by Indenture or Covenant, had bound him or her self ; or that their Parents were

Poor.

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were consenting thereto ; Provision therein to be made for the instructing of Children so bound out, viz. Males to read and write, Females to read, as they respectively may be capable : And the Select-Men, or Overseers of the Poor shall inquire into the Usage of Children so bound out, by themselves or Predecessors, and endeavour to defend them from any Wrongs or Injuries.

And for better preventing of Idleness and loose or disorderly living ;

Be it further declared and enacted by the Authority aforesaid, That the Select-Men, or Overseers of the Poor, or the greatest Part of them, be and hereby are further impowered by and with the Assent of two Justices of the Peace, to set to Work all such Persons, married or unmarried, able of Body, having no Means to maintain them, that live idly, and use or exercise no ordinary or daily lawful Trade or Business to get their Living by ; and no single Person of either Sex, under the Age of twenty-one Years shall be suffered to live at their own Hand, but under some orderly Family-Government : Nor shall any Woman of ill Fame, married or unmarried be suffered to receive or entertain Lodgers in her House ; and the Select-Men, Overseers of the Poor, Constables and Tything-Men, are hereby ordered to see to the due Observance of this Act ; and to complain and inform against any Transgressors thereof to one or more Justices of the Peace, or the Court of General Sessions of the Peace, who are hereby respectively required and impowered upon due Conviction of the Offender or Offenders for living idle or disorderly, contrary to the trust Intent of this Act, to commit or send such Offenders to the House of Correction or Work-House, there to remain and be kept to labour until they be discharged by Order of such Justice or Justices, or the Court of General Sessions of the Peace, unless such Person or Persons so complained of, shall give reasonable Caution or Assurance to the Satisfaction of the Justice or Court that they will reform.

Select-Men,
&c. to set to
work Persons
that have no
lawful Im-
ployment.

Provided, This Act shall not be construed to extend to hinder any single Woman of good Repute from the Exercise of any lawful Trade or Employment for a Livelihood, whereto she shall have the Allowance and Approbation of the Select-Men or Overseers of the Poor, or the major Part of them : And any two Justices committing any Person or Persons as aforesaid, are hereby impowered as they shall find Cause to discharge them again.

Proviso.

This Act to continue and be in Force for the Space of seven Years from the Publication thereof, and from thence to the End of the Session of the General Court then next following, and no longer.

[*This Act expires March 29, 1770.*]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and Held at *Boston* upon Wednesday the eighth Day of *July* 1741.

An Act in Addition to an Act Intituled, *An Act for Explanation of and Supplement to an Act referring to the Poor.*

Preamble.

WHEREAS there are many Children in this Province, who live without the Bounds of any Town, who by Reason of the great Poverty of their Parents, are likely to be brought up in Idleness, Ignorance and Irreligion ; and it often happens that sundry Persons living without the Bounds of any Town take no orderly Course for a Living, to the Dishonour of GOD, the Hurt of the publick Welfare, and their own Ruin :

For Remedy whereof ;

Children of the Poor, living in no Town, to be bound Apprentices by Overseers appointed by the Sessions.

Be it therefore enacted by his Excellency the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That the Justices of the General Sessions of the Peace in the several Counties within this Province be and are hereby fully impowered from Time to Time as they shall find Occasion, to appoint three or more sufficient discreet Persons, Freeholders in their respective Counties, to be Overseers of the Poor, who live within the same, and without the Bounds of any Township, which Persons appointed Overseers as aforesaid, shall be and are hereby fully authorized and impowered from Time to Time (by and with the Assent of two Justices of the Peace in the same County) to set to work or bind out Apprentice as they shall think convenient, all such Children living without the Bounds of any Township as aforesaid, whose Parents shall by the said Overseers, or the major Part of them, be thought unable to maintain them ; Male Children till they come to the Age of twenty-one Years ; and Females till they come to the Age of eighteen Years or Time of Marriage ; which shall be as good and effectual in Law to all Intents and Purposes, as if any such Child were of full Age, and by Indenture or Covenant had bound him or her self, or that their Parents were consenting thereto ; Provision by Indenture to be made for instructing Children so bound out, viz. Males to read, write and cypher ; and Females to read, as they respectively may be capable ; and such Overseers shall from Time to Time inquire into the Usage of Children so bound out, by themselves or Predecessors, and endeavour to defend them from all Wrongs and Injuries.

And be it further enacted by the Authority aforesaid. That the said Overseers or the major Part of them be and are hereby fully impowered by and

and with the Assent of two Justices of the Peace to set to Work all such Persons, living without the Bounds of any Township as aforesaid, whether married or unmarried, able of Body, having no Means to maintain them, that live idly, and use or exercise no ordinary and daily lawful Trade or Business to get their Living. Overseers to set to work the Poor living out of any Town.

This Act to continue and be in Force for the Space of five Years, and Limitation. no longer.

This Act Expires July 1, 1767.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the twenty-sixth Day of *May* 1742. And continued by Adjournments and Prorogations unto Thursday the eighteenth of *November* following.

An Act in Addition to the several Laws of this Province relating to the Support of poor and indigent Persons.

WHEREAS it has sometimes so happened, and may hereafter happen, that Persons that are poor and unable to support themselves, have and may greatly suffer by Reason of the Neglect of the Select-Men and Overseers of the Poor of the Town, which by Law is chargeable with their Support by Reason of Doubts and Disputes touching what Town or Persons are by law liable to be at Charge for their Support, or on Supposition or Pretence that the Condition and Circumstances of such poor Persons are not so necessitous as to require Relief from the Town, or to render them a proper Town Charge : Preamble.

For Remedy whereof for the future ;

Be it enacted by the Governor, Council and House of Representatives, That every such Doubt, Controversy or Dispute as aforesaid shall be determined by the Justices of the Court of General Sessions of the Peace in the County to which such poor Person doth belong ; and the said Justices are hereby fully authorized and empowered fully to determine the same, upon Application to them made for that Purpose. The Justices to determine who are the Poor of the Town.

And be it further enacted, That in Case the Select-Men or Overseers of the Poor in any Town (where there are such chosen and specially appointed for that Purpose) shall refuse or neglect to take the Care of, and afford the necessary Relief to any poor and indigent Person or Persons that shall have been deemed and adjudged (by the Justices in Sessions) to stand in Need of such Relief, and to be the proper Charge of the Town to which such Select-Men or Overseers do belong, every such delinquent Select-Man or Overseer shall on each Conviction (before the Justices of the Court aforesaid) of such Refusal or Neglect, be by them amerced in a Sum not exceeding The Overseers of the Poor shall conform on Penalty of 40s.

exceeding *forty Shillings*, at the Discretion of the Court, Regard being had to the Circumstances extenuating or aggravating the Offence, such Sum to be levied by Distress and Sale of such Offenders Goods, and to be applied for the Support of the Poor of the Town where such delinquent Select-Men or Overseers dwell.

The Justices
may assess the
Town on
their Neglect.

And be it further enacted, That when any Town shall refuse or neglect to defray the Charges heretofore arisen, or that shall arise and accrue for the Support of such indigent Person or Persons as ought to be supported at such Town's proper Charge; in such Case the said Justices are hereby impowered to assess the Inhabitants of such Town therefor, and to cause the same to be added to such Town's Proportion of the County Tax, and therewith to be collected and paid into the County Treasury, and to be disposed of by Order of said Justice for defraying the Charges incurred for the Support of such indigent Person or Persons as aforementioned.

Such as have
been at Charge
shall be re-
funded by the
Town.

And be it further enacted, That whosoever hath been, or hereafter shall be at Charge for the Relief of such necessitous and indigent Person or Persons (who ought to be relieved and supported by the Town or Towns to which they respectively belong) during the Time or Part of the Time that the Select-Men or Overseers of the Poor have or shall neglect their Duty in that Behalf, the Person or Persons that have been or shall be at Charge for their Relief, shall be refunded by such Town or Towns, by Order of the Justices as aforesaid, and the same shall be assessed and collected in Manner as before-mentioned.

Limitation.

This Act to continue and be in Force for the Term of three Years, and no longer.

[*This Act expires January 30, 1771.*]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the twenty-eighth Day of *May* 1755. And continued by sundry Prorogations and Adjournments to Tuesday the thirtieth Day of *March* following, and then met.

An Act in Addition to the several Acts and Laws of this Province now in Force respecting Poor and Idle, Disorderly and Vagrant Persons.

Preamble.

WHEREAS some Idle, Dissolute and Vagrant Persons having some Estate and accordingly rateable, take no Care of their Families, nor improve their Estates to the best Advantage, which Persons are not under the Care and Inspection of the Overseers of the Poor, or the Select-Men of the Town where such Idle Persons dwell: Be

Be it therefore enacted by the Governor, Council and House of Representatives, That where any Idle, Dissolute, or Vagrant Persons having a rateable Estate, do neglect to take due Care of themselves and their Families, or to improve their Estates, that in all such Cases the Overseers of the Poor or the Select-Men of the Town, shall be and hereby they are impowered to take the like Care and Inspection of such Person or Persons who neglect the due Care and Improvement of their Estates, and who mispend their Time and Money, and who live idle, vagrant and dissolute Lives, as if they were poor, indigent and impotent Persons, and accordingly with assent of two Justices of the Peace of the same County, Quorum Unus, put out into orderly Families their Children, if any they have, and improve their Estates to the best Advantage, and apply the Produce and Income thereof towards the Support of them and their Families.

Overseers of the Poor to take under their Care Idle, Dissolute Persons who have Estates.

Provided, That any of the said Idle Persons thinking themselves aggrieved, may make their Application to and have Remedy from the Justices in the General Sessions of the Peace in the same County (if they see Cause) who are hereby impowered to relieve such aggrieved Person from the Determination of the Select-Men.

Provido.

And whereas it is apprehended that many adult Persons both Male and Female, who by Virtue of the Laws of this Government, are liable and lawfully may be sent and committed to the House of Correction for the County, or Work-House for the Town in which such Persons may respectively reside or be found, may be employed and kept to Work with less Inconvenience to the Town or District from whence by Law they may be sent, and with more Advantage to them who by Law are to take the Effects, and receive the Benefit of their Labours, by their being employed and kept to Work by a Master who should have Power to direct, govern and employ them, in and about such Labour and Business as they can best perform :

Preamble.

Be it enacted, That for the future it shall and may be lawful for the Overseers of the Poor of every Town and District within this Province, where any are specially chosen to that Office, and for the Select-Men of every Town and District where there are no Persons specially chosen to the Office of Overseers of the Poor, if they see meet, and such Overseers and Select-Men respectively are hereby authorized and impowered by Indenture or by any other Form of Covenant, Agreement or Contract valid and effectual in Law, to put, place and bind out to Service to such Person or Persons as they shall judge suitable, for a Term not exceeding one Year, at the longest under one and the same Contract, any adult Person whether Male or Female (residing and found in their respective Towns or Districts) whom they shall judge liable by Virtue of any Law or Laws of this Government to be sent and committed to the House of Correction, or Work-House from any County, Town or District in this Province ; and the Act and Doings of such Overseers and Select-Men respectively, whereby any such Person shall and may be put and bound out to Service pursuant to this Act, shall be as valid and effectual in Law to bind and hold the Person so put to Service, as if any such Person by his or her own Act and Consent, being of the Age of twenty-one Years had bound or put out him or herself a Servant for the like Term by Indenture, or by any other legal Form or Manner of Covenant or Contract.

Persons liable to the House of Correction, may be bound out to Service.

Provided

Proviso for
applying to
the Court of
General
Sessions of
the Peace.

Provided always, That it shall be in the Power of the Court of General Sessions of the Peace for the County wherein any such Person shall be put out to Service as aforesaid, by Virtue of this Act; upon Application made to said Court by any such Person so put out to Service, or any on his or her Behalf, if they judge proper, to discharge and make void any Act or Doing of said Overseers or Select-Men, whereby any Person shall be put to Service as aforesaid, and by their Order wholly to annul the same, and set such Person so bound out at Liberty, and free from his or her Master, and also to allow Costs to the Person who shall be set at Liberty by said Court against the Town or District by whose Overseers or Select-Men such Person so set at Liberty shall have been bound out, and to award Execution accordingly.

Upon their
Order, Con-
tracts may be
dissolved.

And in all Cases wherein the said Court of General Sessions of the Peace, shall by their Order discharge and set at Liberty any Person or Persons bound to Service by any Overseers or Select-Men as aforesaid, all Indentures, Covenants, Contracts and Agreements, whereby and under which such Person shall have been bound or put out as aforesaid, shall from and after the Time of such Orders passing in Sessions, be taken, held and adjudged absolutely void and of no Effect so far as such Indentures, Covenants, Contracts or Agreements, shall respect any Time to come after the Time of such Orders passing.

Use of the
Earnings of
the Persons
bound out.

And be it further enacted, That the Proceeds of the Labour and Service of every Person who by Virtue of this Act shall be bound out to Service (over and above the necessary Costs in and about the same) shall be taken by the Overseers or Select-Men respectively, who shall bind out such Person, to be improved and laid out for the Support of the Family or other poor and indigent Kindred (of the Person bound out) with the Maintenance of whom the Person bound out shall by Law be chargeable, if any such Family or Kindred such Person shall have: But if the Person bound out shall have no Family or Kindred with whose Support he or she shall by Law be chargeable, the Proceeds of the Labour of every such Person not having such Family or Kindred as aforesaid, shall be retained and kept by said Overseers or Select-Men respectively, to be paid by them to such Person bound out as aforesaid, or improved and laid out for his or her Use, Support and Benefit; by said Overseers, or Select-Men, in such Manner as to them shall appear most for the Benefit and Advantage of the Person bound out as aforesaid; the said Overseers or Select-Men respectively to determine always whether to pay said Proceeds in Money directly to said Person bound out as aforesaid, or themselves to dispose and lay out the same in some other Manner to such Persons Use; and said Overseers and Select-Men are hereby required and obliged annually at the Town or District Meeting in March for the Choice of Town Officers, to exhibit to their respective Towns or Districts a full and true Account of their Disposition of the Earnings and Proceeds of the Labour of all Persons which shall have been bound out by them, not having such Family or Kindred as aforesaid, during the whole last preceeding Year, for such Town's or District's Examination and Allowance.

And for the Proceeds of the Labour and Service of such Person having a Family or Kindred with whom he or she shall be chargeable as aforesaid, such Overseers or Select-Men shall be accountable to the Town or District to which such Family or Kindred such Person shall be chargeable with, shall belong

belong and are Inhabitants; and said Overseers and Select-Men respectively, shall pay all the Earnings and Proceeds of the Labour of the Person bound out as aforesaid, who shall have such Family and Kindred as aforesaid, to the Town or District (to which such Family or Kindred shall belong) or their Order, always excepting a reasonable Allowance out of said Proceeds to said Overseers or Select-Men, for their Care, Trouble and Cost in binding out such Person, and taking and recovering the Proceeds aforesaid; which Allowance said Overseers and Select-Men are hereby impowered to retain in their Hands, and in their Account said Overseers and Select-Men shall be allowed all such reasonable Charge and Cost incurred, and also a reasonable Reward for their own Care and Trouble in and about the binding out of any such Person, and taking and recovering the Proceeds of his or her Labour of the Master to whom he or she shall be respectively bound and put out.

This Act to be in Force for the Space of three Years from the thirtieth of *April* Current, and no longer.

[*This Act expires April 1, 1763.*]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the thirty-first Day of *May* 1758. And continued by sundry Prorogations to Friday the twenty-ninth Day of *December* following, and then met.

An Act in further Addition to an Act Intituled An Act for Explanation of, and Supplement to an Act referring to the Poor, &c.

WHEREAS it sometimes happens that considerable Charges arise to some Towns in this Province by Means of their being obliged to take Care of lewd Women at their lying in with Bastard Children, and for nursing and taking Care of such Bastard Children : Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives, That it shall and may be lawful for the Select-Men or Overseers of the Poor of any Town within this Province, with the Assent of two Justices of the Peace, to bind out to Service for a Term not exceeding five Years, any unmarried Woman who shall hereafter be delivered of a Bastard Child, and who during her lying in shall have been supported with her

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Child

Select-Men
&c. to bind
lewd Women
to Service.

Child at the Charge of such Town, or whose Bastard Child shall become a Town Charge before it arrive at the Age of five Years, and who shall be unable or shall refuse to Reimburse or procure the Reimbursement of such Charge or Expence.

Preamble.

And whereas there frequently happens in the several Counties through this Province, many Failures both on the Part of Masters and Mistresses, and on the Part of indentured Servants in the Performance of their respective Covenants or Duties as expressed in their Indentures or Deeds of Covenant whereby said Servants are bound, and many Injuries may be committed by Masters or Mistresses to bound Servants, as well as by such Servants to their respective Masters and Mistresses, which require a summary and speedy Method of Redress :

General Sessions empowered to take Cognizance on the Complaints of the Overseers of the Poor or Select-Men, relating to the Deficiency of Masters and Mistresses towards their Servants.

Penalty.

Sessions Power of binding Servants after they have been liberated, &c.

Be it further enacted, That it shall and may be lawful for the Courts of General Sessions of the Peace for the respective Counties, upon Complaint or Representation made by the Overseers of the Poor or Select-Men of any Town in such County, or by the Overseers appointed for the County where any indentured, bought or any Way legally bound Servant or Apprentice shall not be within any Town or District, that any such Servant or Apprentice have been abused or evil treated by their Masters or Mistresses, or that the Education of such Children in Reading or Writing and Cyphering, according to the Tenor of their Indentures, has been unreasonably neglected, to take Cognizance of such Representation or Complaint: and if upon Enquiry there shall appear to have been just Cause therefor, such Master or Mistress shall forfeit a Sum not exceeding five Pounds, for the Use of the Poor of the Town or District where such Master or Mistress shall then be an Inhabitant, to be levied by Distress and Sale of his or her Goods by Warrant, to be issued by Order of the Court aforesaid, and the said Court may order such Child or Children to be liberated or discharged from their Masters or Mistresses, and any Male so discharged being under the Age of twenty-one Years, and any Female under the Age of eighteen Years, may by Order of such Court be bound to other Persons until they arrive to the Age of twenty-one, or eighteen Years respectively; and if such Representation shall not be sufficiently supported or proved, the same shall be dismissed, and no Fee shall be allowed or taken by said Court for the Entry of such Representation or Complaint, or any Process thereon.

In Case of the Elopement &c of Servants on Complaint of their Masters or Mistresses, General Sessions empowered to order Satisfaction.

And be it further enacted, That if any Apprentice or Servant shall elope or desert the Service to which he or she is or shall be bound as aforesaid, and Damage accrue thereby to the Master or Mistress of such Servants, it shall and may be lawful for the Justices of the Court of Sessions upon Application made to them, to order Satisfaction to be made by such Servant or Apprentice to his or her Master or Mistress, either by Service or otherwise as to them shall seem meet. Provided, That if any Apprentice or Servant shall during the present War enlist and actually go into his Majesty's Service, he shall not for such Enlistment be deemed a Deforter from the Service of his Master or Mistress, nor be held to make Satisfaction as aforesaid.

This Act to be and continue in Force until the fifteenth Day of February One Thousand Seven Hundred and sixty-four, and no longer.

An

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the thirtieth Day of *May* 1739. And continued by Prorogations to Wednesday the fifth Day of *December* following.

An Act in Addition to the several Laws of this Province relating to common Roads and private Ways.

WHEREAS there are many new Plantations and Tracts of Land granted and laid out for Townships (in which it is necessary that convenient Ways should be laid) the Proprietors whereof are not by Law obliged or enabled to lay out such Ways, not being vested with the Priviledges of Towns: Preamble.

Be it therefore enacted by his Excellency the Governor, Council, and House of Representatives in General Court assembled, and by the Authority of the same, That the Proprietors of all such Tracts of Land and new Plantations that are already, or shall hereafter be laid out for Townships be, and hereby are authorized and impowered (by a Committee to be appointed for that Purpose) to lay out convenient Ways within and for such Plantations as the Select-Men in Towns are impowered to do, and such Ways to lay open, and all Incumbrances thereon to remove; as also to alter or discontinue any such private Way or Ways as they shall judge necessary so to do. Proprietors of new Plantations to lay out Ways.

And be it further enacted by the Authority aforesaid, That when a High Way or Common Road through such new Plantation or elsewhere shall be wanting, the Justices of the Court of General Sessions of the Peace in the County where such Lands lie (upon Application to them made) may inquire into the Necessity or Conveniency of the Way petitioned for, either by a Committee from among themselves, or such other discreet and indifferent Persons as they shall appoint: And if such High-Way or Common Road shall be judg'd by the Court (upon due Inquiry made as aforesaid) to be of common Necessity or Conveniency, they shall proceed in laying out the same, by a Jury in Manner as by Law is already provided. Court of General Sessions of the Peace to order high Ways to be laid out thro' new Plantations.

And be it further enacted by the Authority aforesaid, That the Damages which any Person or Persons may sustain in his Land or Propriety, by the laying out or altering any private Way in such new Plantation, shall be recompenced by such Proprietors, as the Committee laying out the same, and the Party injured may agree, or as shall be ordered by the Court of General Sessions of the Peace upon Inquiry into the same by a Jury to be summoned for that Purpose: And when such Damages shall be occasioned by the laying or altering any common Road, the Proprietors of the new Plantation, How Persons are to be satisfied for Damages in laying out private Ways thro' their Lands.

New Plantations to chuse Surveyors of high Ways.

Plantation, through which such Road is laid, shall make Satisfaction to the Person or Persons injured thereby, by the Estimation of the Jury that laid out the same, unless upon a hearing of the Person who may find himself aggrieved by the Estimate of his Damages made by the Jury, the Court shall see Cause to enhance or diminish the same. And the Proprietors of every such new Plantation, are hereby authorized and required some Time in the Month of *March* annually (until such Time as they shall be vested with the Privileges of a Town) to chuse two meet Persons to be Surveyors of High Ways, whose Duty it shall be, at the Charge of said Proprietors, to keep the Ways in such Plantation in Repair from Time to Time, and shall have the same Power to impress Workmen and Teams, and to provide Materials, as by Law is given to other Surveyors of High Ways, and be under the Obligation of an Oath for the faithful Discharge of their Trust.

Limitation.

This Act to continue in Force for the Space of five Years from the Publication thereof, and no longer.

[*This Act Expires June 10th. 1766.*]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and Held at *Boston*, upon Wednesday the twenty-fifth Day of *May* 1743. And continued by Adjournment and Prorogations to Wednesday the eighth Day of *February* following.

An Act to regulate the Expence of private Bridges.

Preamble.

WHEREAS it sometimes happens that some particular Person or Persons for his or their own private Advantage build and erect a Bridge or Bridges across some River or Stream, and after neglect or refuse to keep such Bridge or Bridges in Repair, by Means whereof the Town or Towns in which such Bridge or Bridges are erected, have been presented, and suffered Loss and Damage, although such Town was not consenting to the building thereof, nor receive general and common Advantage thereby :

Wherefore,

Court of General Sessions to determine as to private Bridges.

Be it enacted by the Governor, Council and House of Representatives, That from and after the Publication of this Act upon Application made to the Court of General Sessions of the Peace by any Person or Persons, setting forth that any Bridge or Bridges that have already been erected, or that may hereafter be erected, by any particular Person or Persons for his or their private Advantage, either in or adjacent to the Town where such Person or Persons live, or any other Town, for the building of which there

was

High-Ways.

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was not the eſpecial Conſent of the Town or Towns where ſuch Bridge or Bridges lie, or to which they are adjacent, nor the Order of the ſaid Court for building the ſame, nor any Order or Special Agreement for keeping ſuch Bridge or Bridges in Repair, that ſuch Bridge or Bridges are neglected and not kept in due Repair; in every ſuch Caſe upon Application made as aforeſaid, it ſhall and may be lawful for the ſaid Court either to diſcontinue ſuch Bridge or Bridges if the Perſon or Perſons erecting them ſhall neglect to keep them in due Repair, or otherwiſe finally to determine how, in what Manner, and by whom ſuch Bridge or Bridges ſhall be repaired and maintained, whether at the Charge of the Perſon or Perſons that built the ſame, their Heirs, or ſuch other Perſon or Perſons as live near and reap the principal Advantage of ſuch Bridge or Bridges, as the ſaid Court ſhall judge moſt reaſonable, and make out ſuch Orders and Aſſeſſment on any particular Perſon, Perſons or Towns, as ſhall be found neceſſary for effecting ſuch Repairs from Time to Time, and if Need be to award Execution thereon, in ſuch Manner as the Circumſtances of the Caſe may require, to which Orders, Aſſeſſments and Executions, all proper Officers and other Perſons are hereby directed to conform.

This Act to continue and be in Force for the Space of three Years and no longer. Limitation.

[This Act Expires July 1, 1767.]

An Act,

Paſſed by the Great and General Court or Aſſembly of His Maſteſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the twenty-eighth Day of *May* 1746. And continued by Adjournments to Wednesday the twenty-ſeventh Day of *Auguſt* following.

An Act in further Addition to an Act Intituled *An Act for Highways.*

WHEREAS in and by an Act made in the twelfth Year of the Reign of her late Maſteſty Queen Ann, Intituled An Act in Addition to the law of this Province, Intituled An Act for Highways, made in the fifth Year of the Reign of the late King William and Queen Mary; Provision is made for the laying out particular private Ways between any Inhabitants or Proprietors within their reſpective Towns to or for any original Lot, but no Power or Liberty is therein given for the laying out any ſuch Way to any Tract of Land that is not an original Lot, which is oftentimes equally neceſſary: Preamble.

Wherefore,

M

Be

Proprietors of private Ways.

Select-men,
and in Case of
their Refusal,
the Justices,
impowered to
lay out High-
Ways.

Limitation.

Be it enacted by the Governor, Council and House of Representatives, That the Select-Men of each Town respectively (and in Case of their Delay or Refusal his Majesty's Justices of the Peace within the several Counties of this Province at any of their General Sessions) be and hereby are fully authorized and impowered by themselves or others to lay out or cause to be laid out particular or private Ways as shall be thought necessary to or for any Tract of Land, not an original Lot, as they are by said Act of Queen Anne, for an original Lot; under the same Regulations and Restrictions, and observing the same Rules as are therein specified directed and provided.

This Act to continue in Force for the Space of three Years from the Publication thereof, and from thence to the End of the next Session of the General Court, and no longer.

This Act Expires March 29th, 1770.

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the twenty-eighth Day of *May* 1746. And continued by Adjournments to Wednesday the twenty-fourth Day of *December* following.

An Act to enable the Proprietors of private Ways to repair them in an equal Manner.

Preamble.

WHEREAS there are many private Ways in this Province which are seldom used but by the Purchasers or Proprietors of them, or the Owners of the Lands to which such Ways lead, and are therefore not repaired by the Towns in which they respectively lie, nor have the Proprietors or rightful Occupants of such Ways any Power by the Laws of this Province to compel their being repaired by or among themselves:

To prevent therefore the Inconveniencies which do or may thence arise:

Proprietors
and Occu-
pants of pri-
vate Ways
may apply
for a Meet-
ing, &c.

Be it enacted by the Governor, Council and House of Representatives, That when and so often as any Number of the Proprietors and rightful Occupants of any private Way (where there are more than four of them) shall judge a Proprietors Meeting necessary, three of them applying to a Justice of the Peace in the County where said Way lies, such Justice is hereby impowered to grant a Warrant for calling the same, or otherwise one fourth Part of the said Proprietors may of themselves call such Meeting; in either Case to be done by Warrant under the Hand of said Justice or fourth Part respectively, posted up in some publick Place or Places in the Town or Towns where such Way is, seven Days before the Time appointed for such Meeting, signifying the Time, Place and Business thereof: And the major

Alewives.

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major Part of the Proprietors and rightful Occupants so assembled shall have full Power to agree on any other Way of calling future Meetings, to choose a Clerk, and a Surveyor, who shall be sworn to the faithful Discharge of their respective Trusts as Town Officers are; and such Surveyor shall have the same Power, with respect to such Ways as the Surveyors of High Ways are by Law invested with, and shall be governed by the same Rules as are prescribed by Law for their Direction; each Proprietor's and Occupant's Proportion of Labour to be determined by a major Vote of those present at such Meeting: And in Case of the Default of any Proprietor or Occupant in attending said Work by himself or other sufficient Person in his Stead, to be subject to the same Fines and Penalties as in Case of High Ways, and to be recovered in the same Manner, and applied to the same Uses.

Major Part
may agree for
calling future
Meetings.

This Act to continue and be in Force for the Space of three Years from and after the Publication thereof, and no longer.

Limitation.

[This Act expires March 29. 1770.]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* upon Wednesday the thirty-first Day of *May* 1749. And continued by sundry Prorogations to the twenty-second of *November* following, and then met.

An Act to prevent the unnecessary Destruction of *Alewives* in the Town of *Middleborough*.

WHEREAS there are great Quantities of the Fish called Alewives, that pass up the Rivers and Brooks, in the Town of Middleborough, to cast their Spawn; and notwithstanding the Penalties annexed to the many good and wholesome Laws of this Province already made, to prevent the Destruction of Alewives, yet many ill-minded and disorderly Persons are not deterred therefrom:

Preamble.

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives, That whoever shall presume to take any of the said Fish in the aforesaid Rivers or Brooks, or any Part thereof, by any Ways or Means whatever, at any other Place than at the old *Stone-Ware*, so called, in *Namasket-River* in said Town, and at such Place in the Brook called *Affawampsett-Brook* in said Town, as the Inhabitants thereof shall vote and order, such Person shall forfeit the Sum of *forty Shillings*; and the Scoop-Net or other Instruments with which such Person may take the said Fish, shall be forfeited.

Places where
the Fish are
to be taken.

And

Preamble. *And whereas some Persons who may disguise themselves, and others who may be unknown, may take or attempt to take the said Fish at other Places than at the aforesaid Stone-Ware and Allawampsett-Brook, and may refuse to discover their Names, Places of Abode and Occupation, by which Means the Prosecution of such Offenders may be prevented, and the good Design of this Act be defeated: And there being some Passages of said Rivers and Brooks that are much narrower than others, and by Reason thereof the Course of the said Fish may be more easily stopped by Canoes and other Obstructions:*

Penalty for taking Fish in other Places.

Be it therefore further enacted, That if any Person or Persons (who may be unknown) shall take or attempt to take any of the aforesaid Fish in any other Part of said Rivers and Brooks than those before-mentioned, it shall be in the Power of any of his Majesty's Justices of the Peace of the County of Plymouth, on his own View, to examine such Person or Persons concerning their Names, Places of Abode and Occupations; or in Case no Justice of the Peace may be present, then it shall be lawful for any Sheriff or Deputy Sheriff of said County or Constable of the aforesaid Town, or two or more Persons who may be present at their so taking or attempting to take the said Fish, to convey such Offender immediately before any of his Majesty's Justices of the Peace for the said County, to be examined as aforesaid; and on such Offenders refusal to give an Account of his or their Names, Places of Abode or Occupation, such Justice may commit him or them to his Majesty's Goal in said County, until they give such Account, unless such Offenders will forthwith pay the aforesaid Penalty of forty Shillings: And whoever shall presume to fasten or keep any Canoe or Canoes or other Obstructions within or nigh any narrow Passage, or the middle of said River or Brooks, so that it may be reasonably thought that the Course of the said Fish may be thereby obstructed, such Person or Persons shall forfeit the Sum of ten Shillings for every Hour such Obstruction shall continue; and in Case it doth not appear how it might have been made, then it shall be in the Power of any Justice of the Peace of said County to order it to be removed.

Penalty for giving Obstructions to the Fish.

Inhabitants may be Witnesses.

And be it further enacted, That no Person shall be disqualified as a Witness in order to any Conviction upon this Act, by Reason of his or her being an Inhabitant of said Town.

Penalty for Servants and Children offending.

And be it further enacted, That when any Children or Servants shall offend against this Act, or any Part thereof, they shall be punished by Whipping not exceeding five Stripes, setting in the Stocks not exceeding two Hours, or Imprisonment not exceeding twenty four Hours, at the Discretion of the Court or Justices before whom the Conviction may be, unless such Offenders (by themselves, their Parents or Masters, or others on their Behalf) shall forthwith pay the Forfeiture aforesaid; such Parents or Masters being notified of such Conviction forty eight Hours before said Punishment be inflicted.

Disposition of Forfeitures.

All the Penalties and Forfeitures in this Act mentioned to be disposed of, one Moiety to the Use of the Poor of the said Town, and the other Moiety to the Informer, to be recovered on Information or Complaint before any Justice of the Peace of the aforesaid County, where the Penalty may not exceed forty Shillings: And such Justice is hereby impowered to issue his Warrant for apprehending such Offender or Offenders, and upon Conviction

to

Alewives and other Fiſh.

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to reſtrain or commit the Offender or Offenders to his Maſteſty's Goal aforeſaid, until the Fine impoſed for ſuch Offence be ſatiſfied, or cauſe the ſame to be levied by Diſtreſs and Sale of the Offenders Goods, returning the Overplus, if any there be: And where the Penalty may exceed the Sum of *forty Shillings*, then it may be recovered by Action, Bill, Complaint, or Information, in any Court proper to try the ſame.

And be it further enacted, That the Manner, Rules and Methods of Conviſion of Offenders againſt this Act, may be the ſame as are directed and provided in and by an Act made in the twelfth Year of the Reign of his late Maſteſty King *George*, Intituled *An Act in Addition to and for rendring more effectual an Act made in the tenth Year of the Reign of King William the third, Intituled An Act for preventing of Treſpaſſes*.

Rule of Con-
viſion.

This Act to continue in Force for the Space of three Years from it's Publication, and no longer. Limitation:

[This Act expires January 30, 1771.]

An Act,

Paſſed by the Great and General Court or Aſſembly of His Maſteſty's Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-ninth Day of *May* 1754. And continued by Adjournment and Prorogation unto Wednesday the fifth Day of *February* following.

An Act for preventing the unneceſſary Deſtruction of Alewives, and other Fiſh within this Province.

WHEREAS the Laws already provided againſt the Deſtruction of the Fiſh called Alewives, and other Fiſh, do not in divers Circumſtances reach the Caſe of divers Rivers and Ponds where ſaid Fiſh uſually go to caſt their Spawn, ſo that nevertheless great Waſte is made of them by ill-minded Perſons to the great Damage of the Publick: Preamble.

Be it enacted by the Governor, Council and Houſe of Representatives, That from and after the fifteenth Day of *March* next, no Perſon or Perſons whoſoever ſhall on any Pretence preſume to ſtretch ſet or draw any Siene or Drag-Net, or ſet up any Wears or other Fiſhing Engines in any Part of the Rivers within this Province or Ponds adjacent thereto (*Merrimack* and *Connecticut-River* only excepted) where the Fiſh uſually Spawn, or uſe any other Inſtrument for the catching Alewives, but by Dip-Nets or Scoop-Nets, on Penalty of a Fine of five Pounds for each Offence, to be paid by every Perſon concerned in taken Alewives or other Fiſh in either of the Ways forbid by this Act. No Nets but Dip & Scoop Nets to be uſed in Rivers, Ponds, &c. Except.

N

And

Penalty for
Breach of
this Act.

And be it further enacted, That no Person or Persons whatsoever, shall on any Pretence presume to stretch, set or draw any Seine or Drag-Net for the catching of Fish in any Sort in any of the Fresh Ponds in this Province on Penalty of the Fine of five Pounds for each Offence, to be paid by every Person concerned in taking Fish in said Ponds, in either of the Ways forbidden by this Act.

Preamble.

And whereas by an Act or Law of this Province made in the fifteenth Year of his present Majesty's Reign, Intituled, An Act in Addition to an Act made to prevent the Destruction of the Fish called Alewives and other Fish, it is therein enacted, " That it shall be in the Power of any Town " at their annual Meeting in March to chuse one or more Persons whose " Business it shall be to see that the Passage Ways are open, pursuant to " said Act, and that said Fish may not be obstructed in their usual Passing " up and down Stream, and to appoint the proper Place or Places for the " taking such Fish with Scoop-Nets, and to limit the particular Times and " Days for taking the same : But no Provision is made in said Act to oblige the Persons so chosen to serve in said Business, or to do their Duty therein, neither is there any Limitation as to the Quantities of said Fish that shall be taken in each Town for Pickeling and Barrelling for a Market ; by Reason whereof many Mischiefs arise :

Persons cho-
sen &c. to be
under Oath,
and Fine for
not serving.

Be it therefore enacted, That when any Person or Persons shall be chosen in any Town at their annual Meeting in March, to see that Passage Ways are open, agreeable to the afore-recited Paragraph of said Act that every such Person shall be under Oath to the faithful Performance of said Trust, and any Person chosen as aforesaid, shall on his Refusal be subject to the Penalty of three Pounds, and to be proceeded with in order to the Recovery thereof in the same Way and Manner as Persons are, by Law, who refuse to serve as Constables.

Method to be
taken where
the Streams
for Fish runs
thro' more
Towns or
Districts than
one.

And be it further enacted, That where any Town, District or Propriety that hath any River or Stream that lets the Alewives into their natural Ponds to cast their Spawns, have a Desire to catch any of said Fish to Pickle and Barrel up for a Market, that in every such Case where said River or Stream run through or into more Towns, Districts or Proprieties than one, except where the Right of taking Fish is otherwise vested, the Select-Men of the said several Towns, Districts, and a Committee of the Proprietors that are or may be affected thereby, shall sometime in the Month of March, and before the first Day of April annually during the Continuance of this Act, meet together at such Time and Place as the Select-Men of the oldest Town shall agree upon, and then determine what Quantity of Alewives shall be Barrelled up from Year to Year for a Market in the several Towns, Districts or Proprieties they belong to, the Votes to be collected according to the major Part of those that represent the Towns, Districts and Proprieties said Streams pass through or run into (and not according to the Numbers of Voters) and when so done, the Select-Men of each Town, District or Proprietors Committee are hereby impowered to let out the said Privilege for the most it will fetch, for the Use of their several Towns, Districts or Proprieties in such Way and Manner as they shall judge most beneficial, and where any Town, District or Propriety have a Stream or Streams as aforesaid, that do not run into any other Town, District or Propriety, that in such Case the Select-Men or Proprietors Committee shall have the sole Power from Year to Year, during the Continuance of this Act, to determine what
Number

Alewives and other Fish.

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Number of Barrels shall be caught for a Market as aforesaid, and shall have the same Power of letting out and improving the said Rivers or Streams in the same Manner as before mentioned where the Town, District or Propriety join as aforesaid.

Be it further enacted, That if any Person or Persons shall presume to catch any Alewives for Marketing contrary to the Allowance or Order of the Select-Men or said Propriety's Committee where Proprieties are concerned, or the Select-Men where no Propriety is concerned, or Propriety where they are concerned only, they shall every of them be subjected to the Penalty of five Pounds for each Offence.

Fine for Breach of Orders of Proprietors.

And whereas some Disputes have arisen, may arise, whether Tide Mills that have or shall be set up on and across the Mouth of the Rivers, where the Fish aforesaid usually go up into the natural Ponds to cast their Spawns, are within the Intent of the last recited Act, and ought to be regulated accordingly:

Preamble:

Be it enacted, That all Tide Mills that have been set upon and across any such Rivers or Streams since the making the aforesaid Act, or that shall hereafter be set up, shall be understood to be comprehended in said Act, and the Owners and Occupants and all others concerned, shall conform thereto accordingly, and be subject to the same Penalties for their Neglect, as if Tide Mills had particularly been named in said Act.

What Tide Mills are subject to this Act

And whereas there has been great Destruction of the Fish that usually pass up Merrimack-River, by Reason that People make a constant Practice of taking Fish in said River with Seine and Drag-Nets:

Be it therefore enacted, That no Person or Persons be allowed from and after the fifteenth Day of March next, and so during the Continuance of this Act, to catch Fish of any Sort in any Part of Merrimack-River that lieth in this Government, oftner than three Days in the Week, the Days to be Tuesday, Wednesday and Thursday in every Week, and so successively until this Act expires; and if any Person or Persons shall presume to catch Fish with Seins or Drag-Nets at any other Times than is hereby allowed, every Person or Persons so offending, shall for each Offence be subject to a Fine of five Pounds.

Days stated for catching Fish in Merrimack-River.

And all the aforesaid Fines, Penalties and Forfeitures, arising pursuant to this Act shall be disposed of; the one Half for the Benefit of the Poor of the Town where the Offence is committed; the other Half to him or them who shall inform and sue for the same.

Disposal of Fines.

And be it further enacted, That the Manner, Rules and Methods of convicting Offenders against this Act, be the same as are directed and provided in and by an Act made in the twelfth Year of the Reign of his late Majesty King George the first, Intituled, *An Act in Addition to and for rendering more effectual an Act made in the tenth Year of the Reign of King William the Third, Intituled, An Act for preventing of Trespasses*.

Rule for Conviction.

Provided, That nothing in this Act shall be understood to restrain the catching of Fish called *Munbadens*, with Seines, or Drag-Nets after the first Day of June, and until the first Day of October annually; or in Connecticut-River at any Time in the Year.

Proviso for catching Munbadens.

Provided

Proviso for
Medford.

Provided however, That the Select Men of the Towns of *Cambridge, Charlestown,* and *Medford,* or the major Part of them being met together, may give Liberty for taking Fish in *Medford-River* for a limited Time in each Week, not exceeding two Days with one or two Seines, and no more.

This Act to continue and be in Force until the fifteenth Day of *March* Anno Domini, One Thousand seven Hundred and fifty eight.

[*This Act Expires April 1, 1763.*]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and Held at *Boston* upon Wednesday the twenty-sixth Day of *May* 1756. And continued by fundry Prorogations to the sixth Day of *January* following, and then met.

An Act for preventing the unnecessary Destruction of *Alewives* in the Town of *Sandwich*.

Preamble.

WHEREAS the Laws already provided against the Destruction of the Fish called Alewives, do not in divers Circumstances reach the Case of *Herring-River*, in the Town of *Sandwich*, so that nevertheless great Waste is made of them by ill-minded Persons, to the great Damage of the Publick : To prevent which ;

Regulation of
the use of Nets
for taking of
Alewives.

Be it enacted by the Lieutenant Governor, Council and House of Representatives, That from and after the first Day of *April* next, no Person or Persons whosoever, shall on any Pretence presume to stretch, set or draw any Seine or Drag-Net, or set up any Wares or other Fishing Engines in any Part of the River known by the Name of *Herring-River* in the Town of *Sandwich*, or Ponds adjacent thereto where the Fish usually Spawn, or use any other Instrument for the catching *Alewives*, but Dip-Nets or Scoop-Nets, without first obtaining special Licence therefor by a Vote of the Inhabitants of said *Sandwich*, legally assembled at their anniversary Meeting in *March*, nor in any Manner whatever at any Time or Place in said River or Pond, but such as shall be determined and appointed at such Meeting, on Penalty of *five Pounds* for each Offence, to be paid by every Person concerned in taking said Fish in either of the Ways forbidden by this Act, or in any other Place than such as shall be assigned by the said Town as aforesaid, and be recovered by Action, Bill, Complaint or Information, in any Court proper to try the same.

Fish otherwise
taken to be
forfeited.

And be it further enacted, That all Fish taken in said River or Ponds, contrary to the true Intent of this Act, shall be liable to be forfeited to the Overseers appointed by said Town.

And

Alewives and other Fish.

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And be it further enacted, That all Coasters or Boatmen shall give in upon Oath (if required) to the Town Clerk of said *Sandwich*, what Quantity of the said *Alewives* they have taken on board, and who were the Owners of said Fish. All Fines and Forfeitures arising by this Act, to be disposed of one half for the Benefit of the Poor of said Town, the other to him or them who shall inform and sue for the same.

Account to be taken of Fish transported.

Disposal of Fines.

And whereas a considerable Part of the Banks of said River is covered with thick Woods, and thereby so obscured as that Persons may frequently offend against this Act without being discovered, and thereby the good Design of it be defeated, unless special Provision be made therefor :

Preamble.

Be it therefore enacted, That the Manner, Rules and Methods of Conviction of Offenders against this Act, be the same as are directed and provided in and by an Act Intituled, *An Act in Addition to and for rendering more effectual an Act made in the tenth Year of the Reign of King William the Third, Intituled An Act for preventing of Trespasses*, made in the twelfth Year of the Reign of his late Majesty King *George the First*.

Manner of Prosecution.

This Act to be in Force for the Space of three Years from the first Day of *April* next, and no longer.

Limitation.

[This Act Expires March 29th, 1770.]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and held at *Boston* upon Wednesday the twenty-fifth Day of *May* 1757. And continued by Prorogations and Adjournment to Thursday the eighteenth Day of *April* following, and then met.

An Act in Addition to an Act Intituled, *An Act for preventing the unnecessary Destruction of Alewives and other Fish within this Province*.

WHEREAS in and by an Act Intituled, An Act for preventing the unnecessary Destruction of *Alewives* and other Fish within this Province. It is among other Things enacted, " That no Person or Persons whatsoever shall on any Pretence presume to stretch, set or draw any Siene or Drag-net, or set up any Wares or other Fishing Engines in any Parts of the Rivers within this Province, or Ponds adjacent thereto (Merrimack and Connecticut Rivers only excepted) where the Fish usually Spawn, or use any other Instruments for catching Alewives, but by Dip-nets or Scoop-nets, on Penalty of a Fine of five Pounds for each Offence."

Preamble.

O

And

Shadd and Alewives in Weymouth.

And whereas it is found necessary wholly to restrain the catching of Shadd or Alewives by Sienes or Drag-nets in Charles-River, Medford-River, and Concord-River, in the County of Middlesex, and Neponset-River, in the County of Suffolk :

Alewives and other Fish to be taken by Sienes, &c. in Charles-River, &c.

Be it therefore enacted by the Governor Council and House of Representatives, That it shall and may be lawful for any Person or Persons to catch Alewives or other Fish by Sienes or Drag-nets in Charles-River and Concord-River, in the County of Middlesex, and Neponset-River in the County of Suffolk, three Days in a Week, the Days to be Monday, Wednesday and Friday ; and in Medford-River in the County of Middlesex, two Days in a Week, viz. Monday and Thursday, by drawing two Sienes once in each Day at said Medford-River ; and for the taking of Fish in such Part of Concord-River, where Sienes cannot conveniently be used, it shall be lawful to erect a Ware, and to employ the same for that Purpose on the Monday, Wednesday and Friday of each Week ; the Place where the same shall be erected to be determined by the Select-Men of said Town, during the Continuance of the afore-recited Act ; any Thing therein contained to the contrary notwithstanding.

[*This Act expires April 1, 1763. **]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and held at *Boston* upon Wednesday the thirtieth Day of *May* 1759. And from thence continued by sundry Prorogations to Wednesday the nineteenth Day of *March* following, and then met.

An Act to enable the Town of *Weymouth* to Regulate and Order the taking and disposing of the Fish called *Shadd* and *Alewive* within the Limits of that Town.

Preamble.

WHEREAS the Town of *Weymouth* in the County of *Suffolk*, have been at considerable Expence and Charge in purchasing and opening a Water Passage for the Fish called *Shadd* and *Alewives* from the Sea into a Pond called *Whitman's-Pond*, and *Great-Pond*, being wholly within the Bounds of said Town, it seems reasonable and but just that the sole ordering the taking of said Fish, and the Disposition of them when taken, should be wholly vested in said Town of *Weymouth* :

To which Purpose ;

Be it enacted by the Governor, Council and House of Representatives, That from and after the Publication of this Act, it shall and may be lawful for

Shadd and Alewives in Weymouth.

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for the Inhabitants of the said Town of *Weymouth*, at a Meeting regularly assembled for that Purpose from Time to Time, during the Continuance of this Act, to determine and order how, in what Manner, by whom and what Place or Places, Time or Times in the Year, the said Fish may be taken within the Town aforesaid, and shall cause a Copy of such Order attested by the Town-Clerk, to be posted up in some publick Place in said Town of *Weymouth*, whereunto all Persons shall conform with respect to the taking and disposing of said Fish, on Penalty that the Offender against the same, shall forfeit and pay the Sum of *ten Shillings* for each Offence, to be recovered before any Justice of the Peace by the Treasurer of the Town of *Weymouth*, and applied the one Moiety to the Use of the Poor of the Town of *Weymouth*, and the other to him or them that may sue for the same.

Inhabitants of the Town of *Weymouth* to determine and order how, in what manner, &c. said Fish may be taken and disposed

Provided, The said Town of *Weymouth* do for the Benefit of the Neighbouring Towns appoint one or more meet Person or Persons to fish for their Supply during the usual Season, and give public Notice on or before the twentieth Day of *April* next, and for the future on or before the first Day of *April* annually, of Time, Place, Person or Persons by which they are to be supplied, and for such Fish so supplied and delivered, that the said Town of *Weymouth*, or those employed by them, shall demand or receive no more than *One Shilling* per Hundred for Alewives, and *six Shillings* per Hundred for Shadd, and so in Proportion for a greater or lesser Quantity.

Proviso.

And provided also, That if the Person or Persons appointed by the said Town of *Weymouth* for the Purpose aforesaid, shall neglect or refuse that Service, upon Application of any two or more Persons aggrieved to the two next Justices in the Neighbouring Towns, they may appoint one or more meet Person or Persons, which shall be subject to the general Orders of said Town respecting the Fishery aforesaid, and who shall give sufficient Security to the Acceptance of the aforesaid Justices, to render and pay to the Treasurer of the said Town of *Weymouth*, the full Produce of his or their Fishing at the Rates aforesaid, after a reasonable Deduction being made at the Discretion of the Justices aforesaid, for the said Person or Persons Time and Labour therein, saving always to the Indians the Right of Fishing in the Ponds aforesaid and the Water Passages leading thereto.

Persons appointed as aforesaid to give Security.

This Act to continue and be in Force for the Space of five Years from the Publication thereof and no longer.

Limitation.

[*This Act expires March 29, 1765.*]

An Act,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* in the County of *Suffolk*, upon Wednesday the twenty-ninth Day of *May* 1754.

An Act for further continuing the Act Intituled, *An Act in Addition to an Act Intituled an Act for the better Preservation and Increase of Deer within this Province.*

Preamble.

WHEREAS the Act of this Province Intituled, An Act in Addition to an Act Intituled an Act for the better Preservation and Increase of Deer within this Province, made and passed in the thirteenth Year of King George the first, and by divers subsequent Acts continued in Force, will expire the first Day of July next; and the said Act having by Experience been found beneficial:

The above
Law &c. con-
tinued till
July 1764.

Be it therefore enacted by the Governor, Council and House of Representatives, That the aforesaid Act and every Matter and Clause therein contained, be and hereby is continued and revived, and shall remain in full Force until the first Day of July which will be in the Year of our Lord One Thousand seven Hundred and sixty four, saving only that the Penalty in said Act for killing or possessing the raw Flesh or Skin of any Buck, Doe or Fawn, from and after the tenth Day of December, until the first Day of August annually, shall hereafter be understood to extend to such Persons as shall kill or possess the raw Flesh or Skin of any Buck, Doe or Fawn, from and after the twenty-first Day of December until the eleventh Day of August annually, and to no others.

6 NO 62

[This Act expires July 1. 1764.]

BOSTON ; NEW-ENGLAND.

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